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Case Reported this Week.

(BEFORE THE VACATION JUDGE.)

Lord Jersey v. Uxbridge Rural Sanitary Authority 784

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The Solicitors' Journal and Reporter.

LONDON, OCTOBER 11, 1890.

CURRENT TOPICS.

THE WORK of the Vacation Judge in court is gradually being reduced to limits which allow of its being disposed of in the course of one day's sitting. This week, as last, Mr. Justice VAUGHAN WILLIAMS disposed of the whole of the list before him on Wednesday. The sitting of the court for the last time during this Vacation is fixed for Wednesday, the 15th instant, on which day it is anticipated there will not be a heavy list to dispose of. As the time for the sittings approaches, there is a disposition to postpone matters until that time.

IN A CASE before the Vacation Court on Wednesday last, relating to obstruction of light by the erection of buildings to a greater height than that at which those on the same land previously stood, a novel suggestion was made, which appears to be not altogether without good grounds. The motion for injunction was to stand over on the undertaking of the defendant that, if required to pull down, he would submit to do so, but counsel for the plaintiff asked further that he should undertake not to assign or part with his building in the meantime. This precaution was suggested to counsel by the fact that in his experience in another case a defendant, who had undertaken to pull down if required, had completed his building, and sold it, and so deprived the plaintiff of his remedy; the purchaser not being liable on the undertaking and the defendant having become a "man of straw."

WE BELIEVE that every visitor to the recent Nottingham meeting has come away with the pleasantest recollections of the profuse—almost lavish—hospitality of the hosts. We said, a fortnight ago, that everything was being done by the local law society to promote the success of the meeting, but we imagine that few expected the preparations for the comfort and entertainment of the visitors to be so extensive and complete as they were found to be. The hearty thanks, not merely of the guests, but also of all interested in the prosperity of the Incorporated Law Society, are due to the Nottingham Law Society, and especially to Mr. ARTHUR BARLOW, the secretary, on whom most of the labour and responsibility must have fallen, for the truly royal reception given to the society, which went far to render the meeting one of the most successful ever held. There were other elements tending in this direction. The number of visitors was very satisfactory; the papers read, though fewer than usual, were interesting and well written, and (what pleases us most of all) the discussions were frequent, well maintained, animated, and often in the highest degree instructive. The members of the council who spoke (and they spoke admirably) seemed to have thrown off their official capacity; the secrecy in which every proceeding of the body is beshrouded in London was for the moment dispensed with, and we heard a good deal of information of great interest to the profession. It seems clear that the oath of secrecy which each member of the council is commonly supposed to take on his election does not bind beyond the London postal district; and if we can waylay a member on his way to his rural retreat, we may be able to extract from him during the next session such sacred mysteries even as what Bills the council are publicly promoting in Parliament. One feature of the Nottingham meeting was the recognition of the fact that some consideration is due to the ladies attending with members; the now famous "at home" was a capital idea, admirably carried out; the ladies were admitted to hear how the inferior sex amuse (?) themselves after dinner; a few ladies were even allowed to hear the president's

address, and, if we may believe the *Daily Graphic*, there was one lady in a peculiarly wonderful hat, seated in a prominent position opposite to the president. The president is very properly depicted as pausing to gaze at that lady and that hat. He was possibly just at the portion of his address which referred to mothers-in-law and music-hall singers.

THE PRESIDENT'S address contained much matter of interest to his hearers, although some of them might have desired to hear less of that "skilfully piloted" Bankruptcy Act and more of matters in which reform is urgently needed. For instance, we may be allowed to express our regret that the important topic so well discussed by Mr. PENNINGTON did not find a more prominent or fuller place. The presidential address affords an opportunity, which has been generally well taken advantage of, for stating the views of solicitors on the leading legal questions of the time. Judges and legislators have time to read and ponder the report in the *Times* of the president's observations, and thus the effect of the address may extend far beyond the ranks of the solicitors to whom it is delivered. But to produce an impression on the classes referred to it is essential that definite opinions should be stated, and enforced by detailed facts and arguments. Mr. CUNLIFFE has the reputation of being a man of independent views, of ability and experience, and, while fully recognizing the value of much that he said, we are bound to admit that we expected more of the kind of matter above referred to than we find in his address. Of his kindly, genial, and successful conduct of the meetings, there is but one opinion; the only regret is that he should apparently have written his address in the benumbing atmosphere of the council room.

THE CURIOSITIES of parliamentary draftsmanship to which we have lately been drawing attention will have prepared our readers not to feel surprise at anything. But, even so, they will hardly be prepared to hear of an amending Act passed on the very same day with the Act which it amends. This, however, is the latest eccentricity which the Legislature has provided for the amusement of lawyers. By section 18 of the Settled Land Act, 1890 (cap. 69)—which received the Royal Assent on August 18, the last day of the session—it is enacted that "the provisions of section 11 of the Housing of the Working Classes Act, 1885, *and of any enactment which may be substituted therefor*, shall have effect as if the expression 'working classes' included all classes of persons who earn their livelihood by wages or salaries: Provided that this section shall apply only to buildings of a rateable value not exceeding one hundred pounds per annum." Passing by, for the present, the difficulty of construing the proviso, we will now only remark that the Housing of the Working Classes Act, 1885, was repealed by the statute of the same title, 1890 (cap. 70), which also received the Royal Assent on August 18, section 74 of the Act of 1890 being substituted for section 11 of the Act of 1885. And thus we have an Act of Parliament passed and amended on one and the same day.

WE FIND some observations on law reporting in our lively American contemporary, the *Albany Law Journal*, which apply with almost equal force on this side of the Atlantic:—"It is a great pity that some community does not set up a noiseless court, which, like noiseless powder, shall make no report. Such would be the fitting fate of twenty-two thousand five hundred of the twenty-five thousand cases which the enterprize of the great West Publishing Co. showers upon a patient, timid, and impecunious profession, who must and will have the last case." Such, also, we may add, would be the fitting fate of perhaps ten thousand of the twenty thousand cases at least which the Council of Law Reporting, in their 240 volumes, have showered on the long-suffering profession in England. The grievous abuse of the unnecessary multiplication of reports rests mainly with the council, for, so long as the *Law Reports* continue to report cases in the lavish way at present in vogue, the other current reports are compelled to follow suit. There is, however, one practical consideration which renders the multiplication of reports by the council specially inconvenient. The space in a solicitor's office, owing to the room occupied by papers, is necessarily very limited and of extreme value; yet the council insist on adding several volumes a year to his library, containing the very same cases as are reported in the WEEKLY REPORTER in one compact volume. And the odd thing about the recent issues of the *Law Reports* is the evenness of bulk of each volume year by year. Let anyone look at his rows of *Law Reports* and observe how nearly they correspond in size. Whether there are more or fewer cases of importance seems to matter little; the space must be filled; the requisite number and size of volumes each year must be supplied. There was a time when the *Law Reports* were represented in a certain court by two of the ablest reporters they ever possessed, of whom (since they are neither of them now at the bar) we may say that they were both exceptionally learned lawyers and eminently industrious men. There was a strong bench in that court. Yet the volumes of reports of that court were almost invariably of about half the thickness of the other volumes of the series. Taking one of the volumes at hazard, we find 351 pages as against 700 in the corresponding volume of reports of a court a door or two off. The difference was, of course, that the thin volumes only reported cases which a lawyer required. It would be infinitely more for the interests of the profession if the Council of Law Reporting, instead of inflicting on them the grave inconvenience of a change of citation, were to turn their attention to reducing the bulk of their reports.

THE PRESIDENT of the Incorporated Law Society has done good service in calling the attention of the profession to the very serious position in which an insurance office is placed when a policy on life is assigned by a settlement comprising other property. We have already discussed the nature of the liability thrown upon the office (33 SOLICITORS' JOURNAL, 3). According to the construction that we placed upon the Customs and Inland Revenue Act, 1888 (51 & 52 Vict. c. 8)—and we have no reason to think that any serious objection has been raised to that construction—the assignment must bear the true *ad valorem* stamp, it does not fulfil the requirements of the Act if it bears an *ad valorem* stamp sufficient to cover the amount secured by the policy only, it must bear a proper *ad valorem* stamp having regard to the value of all the property settled. We also pointed out that, owing to the possible fluctuations in the value of stock of the more speculative natures, which sometimes varies from day to day, it may be that the value of the stock at the date of the settlement is greater than it was at the date of its purchase, so that there is every probability of the wrong *ad valorem* stamp being used. There is also the risk in badly drawn settlements of the *ad valorem* stamp being incorrect owing to the operation of a covenant to settle property not expressly dealt with by the settlement. For all these reasons we recommended, and we have every reason to believe that our advice has been largely followed by the most experienced practitioners, that in all cases where a policy has to be assigned to trustees for the purposes of a settlement it should be so assigned by a separate instrument, on which it is easy to affix the proper *ad valorem* stamp. It is, perhaps, worth while for the Council of the Incorporated Law Society to consider whether it may not be possible to procure some relaxation of the extreme rigour of the law from the Chancellor of the Exchequer in respect to settlements executed before the Act came into operation. We do not wish, and no reasonable person wishes, to enable the revenue to be defrauded, but it would not be unreasonable to provide that, where a settlement containing an assignment of a policy, executed before the Act, purported to bear the proper *ad valorem* stamp on the amount secured by the policy, it should, for the protection of the insurance office by which the policy was issued, be deemed to be duly stamped.

MUCH CONFUSION is created by adopting abbreviated forms of expression which are not quite correct. A common example of this is the use of the phrase "next of kin" of A. as meaning his "statutory next of kin"—*i.e.*, the persons who at the death of A. will become entitled to his personal estate under the Statutes of Distribution. It is hardly necessary to point out the

wide distinction between "next of kin" and "statutory next of kin." Every living person, except a childless bastard, has "next of kin." No living person has "statutory next of kin." On the death of a person his "statutory next of kin" spring into existence, but his death does not change his "next of kin," and his "statutory next of kin" are not necessarily the same persons as his "next of kin." A gift or trust for "next of kin" does not receive the same construction as a similar gift or trust for the "statutory next of kin." In the former case the next of kin take as joint tenants, in the latter case the statutory next of kin take as tenants in common in the shares specified in the statute. In the absence of a provision to the contrary, the "next of kin" or "statutory next of kin" of A. means the persons answering those descriptions respectively at the death of A. But, of course, the language may shew that they are to be ascertained at some other time. You may, for instance, say "the persons who would be the next of kin, or statutory next of kin, of A. if he died at a certain time." There appears, however, to be a difference between a gift to the next of kin and one to the statutory next of kin who are not yet ascertained, whether this happens owing to the *propositus* being alive, or, if he is dead, owing to a declaration that they are to be ascertained at a future time. In cases of this nature the persons who are at any moment the statutory next of kin take no interest, whether vested or contingent, in the property, they have a mere *spes successionis*, a mere expectation of a future interest, which is not sufficient to enable them to maintain an action to protect the fund (*Clowes* v. *Hilliard*, 4 Ch. D. 413); while, on the other hand, the next of kin have probably a contingent interest sufficient to enable them to maintain such an action (see this discussed by KAY, J., in *Re Parsons*, 45 Ch. D., at p. 63). The decision in *Re Parsons* (the marginal note to which in the *Law Reports* is most misleading, by the unhappy substitution of "next of kin" for "statutory next of kin") is that the title of a married woman to a fund which she took under a gift to the statutory next of kin did not accrue within the meaning of the Married Women's Property Act, 1882 (45 & 46 Vict. c. 75), s. 5, until the moment when they were ascertained. While the decision appears to be correct, it should be observed that it does not follow *Re Beaupré's Trusts* (21 L. R. Ir. 397), decided by the Court of Appeal in Ireland.

IN THE CURRENT number of the *Law Quarterly Review* Mr. KENELM DIGBY replies to Mr. BUTCHER'S criticism on his original article on the law of criminal conspiracy in England and Ireland. The controversy does little more than emphasize the well-known fact that the whole matter is in a most unsettled and unsatisfactory state. Mr. BUTCHER was unfortunate in saying that the English authorities support the view that a combination to violate a legal right is criminal, as it appears to be almost universally admitted that something more than this is necessary. Either, as Sir WILLIAM ERLE says (Trades Unions, p. 82), it must be a right in which the public have a sufficient interest, or the immediate object of the conspiracy must be the injury of the person conspired against—assuming this to be the meaning of malicious design in the report of Chief Justice COCKBURN'S Commission, or the means used must be either fraudulent or criminal (Wright on the Law of Criminal Conspiracy, p. 41). But that a combination to violate another man's rights without more is in itself criminal is, as Mr. DIGBY points out, in the highest degree doubtful. The courts, however, have never clearly recognized what is the additional element which will fill up the measure of the crime, and hence they are open to the remark in ROSCOE (Criminal Evidence, p. 400) that "plausible reasons may be found for declaring it to be a crime to combine to do almost anything which the judges regard as morally wrong or as politically or socially dangerous." When a writer of acknowledged authority can thus sum up the law, it is equally easy for Irish judges to assert the criminality of combinations to withold the payment of rent, and for English writers to dispute whether they are justified in so doing.

Nearly 400 visitors availed themselves of the excursion to "the Dukeries" in connection with the Provincial Meeting.

THE TENANTS' COMPENSATION ACT, 1890.

THE principal object of this Act (53 & 54 Vict. c. 57) is to enable a tenant to obtain compensation under the Agricultural Holdings (England) Act, 1883, or the Allotments and Cottage Gardens Compensation for Crops Act, 1887, in cases where the land is in mortgage, notwithstanding that the tenancy under which he holds is void as against the mortgagee. The Act also provides for registration of charges, under section 31 of the Act of 1883, for compensation for improvements under parts 1 or 2 of the 1st schedule to that Act, as land charges under the Land Charges Registration and Searches Act, 1888. It will be remembered that the Act of 1883 entitles a tenant who has made an improvement mentioned in the 1st schedule to the Act to obtain from the landlord, on quitting his holding, such compensation as fairly represents the value of the improvement to an incoming tenant. But where the landlord is a trustee the compensation due from the landlord is not to be recoverable from him personally, but is to be charged, by order of a county court, on the holding, and if the landlord pays it (which he has the option to do) he is entitled to a similar charge.

The Act of 1887 enables a tenant to obtain compensation, in certain cases, from the landlord, but there is no provision enabling the tenant to obtain a charge on the holding for the amount due to him, or enabling a landlord who is a trustee to obtain a charge on the holding for the amount paid by him.

The Tenants' Compensation Act, 1890, entitles the occupying tenant, as against a mortgagee who has taken possession, to the compensation which would be due to him from the mortgagor if the mortgagee had not taken possession "as respects crops, improvements, tillages, or other matters connected with the land, whether under the Acts of 1883 or 1887, or the custom of the country, or agreements sanctioned by the principal Acts." But the sum due for compensation is, as against the mortgagee, to be recoverable only according to section 31 of the Act of 1883.

The result is that, where a mortgagee takes possession and the occupying tenant becomes entitled to compensation under either of the Acts of 1883 or 1887, the mortgagee may either allow the compensation to be charged on the land in favour of the tenant, or may pay it himself and acquire a charge on the land for the amount; in either case the charge appears to be a first charge.

The Act of 1890 makes a further provision for the security of tenants. It sometimes happens that the occupying tenant holds under a contract which is void against the mortgagee. In this case the mortgagee has a legal right to evict the tenant notwithstanding the contract. The Act provides that he is not to exercise this right without giving to the occupying tenant six months' notice, and the tenant is to be entitled to compensation "for his crops and for any expenditure upon the land which he has made in the expectation of holding the land for the full term of his contract of tenancy, in so far as any improvement resulting therefrom is not exhausted at the time of" eviction. The compensation is to be determined according to the Acts of 1883 and 1887, and to be charged and recoverable against the mortgagee under section 31 of the Act of 1883.

These provisions appear to give to the occupying tenant full security for the compensation to which he is fairly entitled for improvements and crops, without throwing any unfair burden on the mortgagee. A tenant is entitled under the Act of 1883 to compensation for improvements mentioned in the 3rd part of the 1st schedule to the Act, and under the Act of 1887 for crops growing in the ordinary course of cultivation and for labour expended and manure applied to the holding since the taking of the last crop in anticipation of a future crop. No bargain between a mortgagor and mortgagee can prevent the tenant from dealing with his land so as to entitle himself to this compensation on the determination of his tenancy; and this appears to be right, as the improvements in question—crops, labour, and manure—are only matters which are commonly done in due course of cultivation.

A tenant, however, is not entitled to compensation under the Act of 1883 for improvements described in the 1st part of the 1st schedule to the Act (all of which are of a permanent nature) made without the written consent of the landlord, or for the

improvement described in the 2nd part of the schedule—*i.e.*, drainage—made without the prescribed notice to the landlord, or under the Act of 1887 for "drains, outbuildings, pigsties, fowl-houses, or other structural improvements without the written consent of the landlord." Having regard to the very heavy compensation that may become due to a tenant for improvements described in the 1st schedule to the Act of 1883, it may occasionally be desirable to insert in a mortgage a covenant by the mortgagor not to consent to such improvements without the sanction of the mortgagee. Such a covenant would not be binding on the tenant, and it is doubtful whether the mortgagee could recover any damages for breach of the covenant unless he could prove actual damage, *i.e.*, after he had entered into possession, in which case the value of the mortgagee's covenant would be *nil*, and it is hardly likely that he would hear of an intended breach in time to obtain an injunction. Such a covenant might, however, be rendered of some value by reserving interest at a higher rate than that intended to be actually taken, reducible for each half year in which no breach of covenant takes place.

Drainage falls under a somewhat different consideration. Although the landlord cannot prevent it from being done, he may, under section 4, elect to do it himself. Probably the mortgagee would be practically safe by taking a covenant by the landlord to follow this course.

Compensation under the Act of 1887 will generally be of so small an amount that it will not be necessary for the mortgagee to protect himself against it.

THE INTERNATIONAL CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY.

The idea of bringing about an assimilation of the patent laws of the world does not seem to have entered into the dreams of inventor or legislator till about the middle of the present century. In 1851 a society called the "Association of Patentees" included in their list of proposed reforms in the patent law "international arrangements for the mutual protection of the rights of inventors." But the project never came within the range of domestic legislation or practical politics. No suggestion in favour of an international patent law was made by any one of the experienced and distinguished witnesses who gave evidence before the Select Committees of 1829 and 1851. Mr. R. A. Macfie, the solitary witness before the Committee of 1865 to whom such an idea appears to have occurred, had in his mind no better scheme for realizing it than that "the Governments of Europe and America should abolish all exclusive privileges, and each give a certain sum *per annum* to inventors" (Ans. 2,011). Sir Henry Bessemer, Sir William Armstrong, and Mr. C. W. Siemens talked glibly enough to the Committee of 1871 of the paramount necessity for international arrangements if patents for inventions were still to be granted; but the true mental attitude of these gentlemen, and of all the other witnesses who gave evidence upon the question, towards the proposed international patent law was speculative and not practical. They were taken with the comprehensiveness and apparent simplicity of the idea. They were irritated by the unfair and short-sighted policy of Germany, which at once robbed the British inventor and drove the German inventor to Britain. But, in the language of one witness, who was courageous enough to state the fact, they had "no visible mode of providing for international legislation" to suggest (Report, 1872, Ans. 841).

The views of the Select Committee itself, if less hazy, were utterly impracticable. Forgetting the fundamental differences, economic and legal, which separate the patent systems of the world, the members of the committee talked and catechized on the assumptions that an absolute unification of English and foreign patent law could be—if not immediately, at least very shortly—attained, and that our own incomparable system would be, not only the basis, but the framework, of the international system which they desired to create. Pleasant as it would be for an English lawyer to record that the outlines of the International Convention, which has already achieved much, and has unlimited possibilities of achievement before it, were sketched by the hands of his countrymen, it must be sorrowfully admitted that the sole contribution which the Select Committee of 1872 made towards the genesis of this remarkable treaty was a recommendation that "Her Majesty's Government be requested to inquire of foreign and colonial Governments how far they are ready to concur in international arrangements in relation . . . to an assimilation in the law and practice in regard to inventions amongst the various civilized countries of the world." This recommendation was at once acted upon. A circular, dated August 31, 1872, was addressed to the Governors of the British Colonies by the Earl of Kimberley, then Colonial Secretary, and the replies received thereto were in the main favourable.*

At the same time—by a circular of August 14, 1872—our representatives abroad were directed by the Foreign Secretary, Lord Granville, to prepare succinct and accurate reports upon the patent laws of the countries to which they were severally accredited. These reports were published and laid before Parliament in 1873 (C. 741). They shewed clearly that there were in the patent laws of the world elements of identity, or at least of analogy, out of which an international patent system might one day be created. The International Congress at Vienna in 1873 and the *Congrès de la Propriété Industrielle*† organized during the Paris Exhibition of 1878 for the first time propounded something approaching to a definite scheme. It was wisely determined by the promoters of the Convention to rest content with what was practicable, and to arrive at a mimimum of uniification on which all could agree.‡ The contracting parties determined to interfere as little as possible with the particular laws of the different States. The first principle was to ask only from each country the same treatment for subjects of each of the other countries as it accorded to its own subjects. The Convention was in no way based upon the principle of strict reciprocity, and uniform regulations were only insisted upon where they were considered indispensable in order to obtain effective reciprocal protection. Not only was it agreed to permit each State to maintain its own law without modification except on the above points, but countries—*e.g.*, Holland, Switzerland, and Servia—were admitted in which all branches of industrial property were not at the time protected.

Before passing from the general scope of the International Convention to a consideration of its terms and the recent judicial decisions thereon, we may dispose of the chief episodes in its history very shortly. The Convention was signed at Paris on the 20th of March, 1883; the necessary ratifications were exchanged by the plenipotentiaries of the contracting parties on the 6th of June, 1884, and the effective operation of the Convention commenced a month later. Belgium, Brazil, Spain, France, Guatemala, Italy, Holland, Portugal, Salvador, Servia, and Switzerland were the original signatories. Great Britain—whose adhesion was postponed in order that the Legislature§ might enable the Crown to allow the *antedating* of patents granted under the Convention—the United States, Turkey, Tunis, Queensland, Uruguay, and other States have subsequently joined the International Union. Germany, Austria, and Russia still hold aloof.

The following is the chief provision of the International Convention, with the glosses put upon it by recent *English* decisions:—

An applicant for a patent in any one of the contracting States may obtain protection in any of the other contracting States by application there within a period of six, or in the case of countries beyond the seas of seven, months from the date of his first application. The subsequent application is antedated to the date of the first, and is consequently not defeated, as otherwise it would have been, by prior publication or user in the protected interval.

An applicant.—The importer of an invention from abroad has in England no rights under the Convention and section 103 of the Patents Act, 1883: *Re Shallenberger* (1889, 6 Pat. Off. Rep., at p. 550). *Semble*, a corporation may be an "applicant": *Re Carez* (1889, 6 Pat. Off. Rep. 552).

* *Correspondence respecting International Arrangements*, May, 1874, C. 909; Edmunds's Patents for Inventions, p. 408.

† It consisted of 484 members, of whom 107 belonged to the legal profession, 73 were engineers and patent agents, and 304 were mercantile men.

‡ M. Bozerian's pamphlet on the Convention contains an excellent sketch of the preliminary proceedings and proposals.

§ *Cf.* the Patents Act, 1883, *ss.* 103, 104.

May obtain protection, &c.—A patent under the International Convention will be granted only to the person who has made the foreign application: *Re Shallenberger (ubi sup.)*.

The date of his first application.—This means his first successful application. A., an American, applied for a patent at the United States Patent Office, abandoned this application, which thereupon became abortive, made a subsequent application for a patent in respect of the same invention, and was permitted by the American Patent Office—but only as a matter of convenience and to save him expense—to use upon the second occasion the documents filed on the first. The renewed application is the first foreign application under the circumstances: *Re Van de Poele* (1890, 7 Pat. Off. Rep. 69).

Antedated.—This is the only right which the foreign applicant enjoys under the joint provisions of the Convention and section 103. He is entitled to have his English patent antedated, although he fails to disclose the existence of his prior foreign application, unless such omission is tainted with fraud or bad faith (*Re L' Oiseau & Piérrard*, 1887, Griffin Amer. Pat. Cas. 36); but he may not *oppose* the subsequent grant of another patent for the same invention (*Re Everitt*, 1888, Griffin Amer. Pat. Cas. 29) under section 11 of the Act of 1883.

It is sufficient if the State in which the applicant makes his first foreign application has joined the International Union at the date of his subsequent application in England under section 103. This was decided as regards the United States in *Main's Patent* (1890, 7 Pat. Off. Rep., at p. 13).

A READING OF THE NEW STATUTES.

Chancery of Lancaster Act, 1890 (53 & 54 Vict. c. 23).

Although the jurisdiction of the Court of Chancery of Lancaster has been extended by recent statutes, notably by the Court of Chancery of Lancaster Act, 1850 (13 & 14 Vict. c. 43), it has been hitherto defective in certain particulars. The summary jurisdiction conferred upon it in 1850 was only that of the then existing High Court of Chancery, and, unless expressly included, it has not shared in any additional jurisdiction conferred since then on the Chancery Division of the High Court. In several cases, indeed, the Lancaster Court has been expressly included, as in the Settled Estates Act, 1877 (section 44), the Conveyancing Act, 1881 (section 69(9)), and the Settled Land Act, 1882 (section 46(8)). But it has not had the jurisdiction in common law concurrent with that in equity which the Chancery Division enjoys, and no mention was made of it in the Patents Act, 1883. These defects are cured by the present Act, and the Lancaster Court is put, in all respects, on a level with the Chancery Division. This change is effected by section 3, which enacts that the Lancaster Chancery Court shall, "as regards all persons, bodies corporate, and property within or becoming subject to its jurisdiction, have and exercise the like powers and jurisdiction, and in a similar manner, and subject to the same restrictions in all respects, as the High Court in its Chancery Division now has and exercises . . . in respect of all persons, bodies corporate, and property within its jurisdiction." Section 4 gives the same power of appealing to the Court of Appeal and to the House of Lords as exists in respect of matters in the High Court; and section 5 allows of the transfer to the High Court of matters which the Lancaster Court now, for the first time, gains jurisdiction over, and which, if begun in the High Court, would not have been assigned to the Chancery Division; in other words, it allows of the transfer to the High Court of common law actions. As soon as the Palatine Court of Durham has obtained a similar extension of its powers, it will be a matter of obvious convenience to consolidate the statutes applying to each court into one Act and make the proceedings in each uniform.

Foreign Jurisdiction Act, 1890 (53 & 54 Vict. c. 37).

This Act consolidates, without material alteration, the Foreign Jurisdiction Acts, the principal of which are those of 1843 (6 & 7 Vict. c. 94) and 1878 (41 & 42 Vict. c. 67). The preamble recites that "by treaty, capitulation, grant, usage, sufferance, and other lawful means, her Majesty the Queen has jurisdiction within divers foreign countries," and section 1 enacts that any such jurisdiction which the Queen now has, or may hereafter have, may be exercised as fully as if it had been acquired by cession or conquest of territory. The definitions given by section 16, according to which "foreign country" means any country or place out of the Queen's dominions, and "jurisdiction" includes power, make this provision identical with section 1 of the Act of 1843. Section 2 of the present Act, replacing section 5 of the Act of 1878, relates to countries in which there is no regular government from which, by treaty or in any other of the recited modes, the Queen could acquire jurisdiction. In such cases the Act itself confers jurisdiction over the Queen's subjects resident in or resorting to the countries in question, and the same provisions apply as if the jurisdiction were the ordinary jurisdiction of the Queen in a foreign country acquired in some recognized manner. Section 3 provides that matters done in pursuance of the Queen's jurisdiction under the Act shall be as valid as if done according to the local law, and it omits the restriction contained in the corresponding section 2 of the Act of 1843, whereby such validity was only directed to be recognized in courts within the Queen's dominions. This implies that the validity is to be recognized also in courts held under her authority, although not in her dominions. The same natural amendment is expressly made in section 4, which provides for the determination of questions that may arise as to the existence or extent of the foreign jurisdiction in any given case. The procedure for that purpose was enacted by section 3 of the Act of 1843 only with respect to suits or other proceedings, whether civil or criminal, in any court within her Majesty's dominions; now it applies to similar proceedings in such courts or in courts "held under the authority of her Majesty." As before, the matter is to be submitted by the court to a Secretary of State, whose answers upon it are to be conclusive.

The somewhat lengthy provisions of section 4 of the Act of 1843, with regard to the power to send persons charged with crimes or other offences to a British possession for trial, are reproduced in an improved form in section 6 of the present Act, and the right of the prisoner to have evidence taken on his behalf before he is removed is preserved. The extension of the term "British colony" in the former Act to "British possession" had already been made by the Act of 1865 (28 & 29 Vict. c. 116). Section 7 of the present Act continues the provision of section 5 of the Act of 1843, which allows sentences to be carried into effect in such place as may be directed by Order in Council. Section 12 reproduces in substance section 4 of the Act of 1878, and provides for the construction of Orders in Council made under the Act where these are repugnant to statutes having effect in the country in question; but whereas the former section simply referred to and incorporated, so far as necessary, the Colonial Laws Validity Act, 1875 (28 & 29 Vict. c. 63), the present section adopts the more convenient plan of giving an independent enactment. Section 13 repeats without alteration the provisions of section 8 of the Act of 1878 for the protection of persons acting under the statute. Any action against them must be commenced within six months of the injury complained of unless it is a continuing one, and then the same period is allowed from its cessation. Section 14 continues the power of section 6 of the Act of 1878, under which the Queen in council has the same legislative power for the government of her subjects in any vessel not more than 100 miles from the coast of China and Japan as she has with regard to her subjects in those countries, and section 15 repeats the provision of section 4 of the Slave Trade Act, 1876 (39 & 40 Vict. c. 46), under which Orders in Council in favour of persons enjoying her Majesty's protection are to extend to the subjects of the several princes and states of India.

In the first schedule to the Act of 1878 there was given a list of statutes which by Order in Council might be extended to countries to which the Foreign Jurisdiction Acts applied. These are now contained in the first schedule to the present Act, and section 5 authorizes the making of similar orders for the application of them. The consolidation thus effected allows of the entire repeal of seven statutes and of the partial repeal of another. The list of these is given in the third schedule.

REVIEWS.

THE SALE OF GOODS.

THE SALE OF GOODS, INCLUDING THE FACTORS ACT, 1889. By His Honour Judge CHALMERS. William Clowes & Sons (Limited).

The object of this excellent little book is, as stated in the words of the preface, "to state precisely the general principles of law peculiar to the sale of goods." The large type propositions in this book are taken, with necessary verbal alterations, from the Sale of Goods Bill, 1888, a purely codifying measure, drawn by the author, and introduced into the House of Lords by Lord Herschell, but not proceeded with. The Bill, after receiving some very learned criticism, was redrawn by the author in consultation with Lord Herschell, and re-introduced into the House of Lords in 1889, but not passed. The book also contains the Factors Act, 1889, with notes.

We have perused this book with very considerable attention, and are of opinion that it has merits of a very high order. First, the author states the law accurately. This is not as common as it should be in treatises on law; it is, perhaps, more usual to state the law in a manner which is only approximately correct, a practice which renders

the books in which it is adopted practically useless. Once, and once only, did we think, on a cursory perusal, that we had caught the author tripping, but on careful examination we came to the conclusion that the statement in the text was correct. Secondly, the propositions are arranged in logical order. We cannot seriously blame those authors who do not adopt this arrangement—it is their misfortune, not their fault, as no man can arrange his ideas logically unless he can reason logically; and unfortunately the most illogical men are often under the impression that they are logical reasoners. Thirdly, the author writes in terse and racy English. "Capacity to contract must be distinguished from authority to contract. Capacity means power to bind oneself; authority means power to bind another. Capacity is part of the law of *status*; authority is part of the law of principal and agent. Capacity is usually a question of law; authority is usually a question of fact." What could be better than this?

The discussion of the meaning of "contract for sale (pp. 2, 3) and the explanation of the meanings of, and the distinction between, "vendor's lien" and "stoppage *in transitu*" (pp. 57 *et seq.*) are full enough to be very useful to a practising lawyer, and clear enough to be put into the hands of a student. In the second appendix will be found a list of some terms and stipulations occurring in contracts of sale which have received judicial construction. We have only to add that there is a full index and a table of cases.

Foreigners sometimes taunt English lawyers with the fact that they have no code. The codification of statute law has made some progress of late years, and, what is of still greater importance, the commercial law is gradually being codified. The important subjects of Bills of Exchange and Partnership have already been codified, the former by the Bills of Exchange Act, 1882, an Act which, it is rumoured, was drafted by our author, the latter by the Partnership Act, 1890, an admirably drafted measure. We venture to hope that the Sale of Goods Bill will be taken up by the Government; if this measure is passed we shall have done a great deal towards making a commercial code.

We strongly advise our readers, both practitioners and students, to purchase and study the little book under review.

CRIMINAL LAW.

ROSCOE'S DIGEST OF THE LAW OF EVIDENCE IN CRIMINAL CASES. ELEVENTH EDITION. By HORACE SMITH and GILBERT GEORGE KENNEDY, Barristers-at-Law, Metropolitan Magistrates. Stevens & Sons (Limited); Sweet & Maxwell (Limited).

About a work of this kind in the eleventh edition there is not a great deal to be said. Pending the arrival of the code, which has been so long on the way, the criminal law does not undergo much alteration. The chief statutory changes that have taken place since the previous edition are those introduced by the Criminal Law Amendment Act, 1885, and the Act of 1889 that bears the charmingly concise title of the "Act for the prevention of cruelty to, and better protection of, children." As to the former, its chief legal effect seems to be that it is reducing the rules of evidence to sheer absurdity. According to *Reg* v. *Wealand* (36 W. R. 576, 20 Q. B. D. 827) (noticed at p. 857), the evidence of a child not given upon oath is good to convict a man of an indecent assault, provided he has been charged with a graver crime, though it would have been rejected had the charge originally been merely of indecent assault. This is bad enough, but it has perhaps been improved upon in *Reg.* v. *Paul* (38 W. R. 704), according to which evidence, properly received on one count, must be rejected in respect of an indecent assault which happens to have been charged in a separate count. At p. 321 it is noticed that the opinion formerly submitted, that on a prosecution for bigamy it is a good defence that the prisoner at the time of the second marriage honestly and *bonâ fide* believed his first wife to be dead, and had reasonable grounds for so believing, has been decided to be correct in *Reg.* v. *Tolson* (37 W. R. 716, 23 Q. B. D. 170), and the conflicting decisions on the point have, of course, been removed. All the recent cases appear to have been incorporated, and the book will be found as useful as it has been in previous editions.

Dr. Freshfield, vice-president of the British Archæological Society, has just presented to the borough of Winchelsea the old town hall, which passed out of the possession of the inhabitants many years ago. It is now proposed to utilize the building for public purposes. At a meeting of the mayor, jurats, and freemen, Dr. Freshfield's gift was gratefully accepted, and it was decided to present him with the freedom of the borough, the only one in the kingdom that still retains an unreformed corporation.

In *O'Neil* v. *State*, Supreme Court of Georgia, says the *Albany Law Journal*, May 7, 1890, as to the meaning of "a virtuous unmarried female," Bleckley, C.J., said: "The opinion of Judge McKay, as expressed in *Wood* v. *State* (48 Ga. 289), was that the question of what is a virtuous woman ought to be left in each case to the jury; but the other two members of the court presiding in that case were of a different opinion. . . . We think that in contemplation of law, including the penal statute on the subject of seduction, every virgin, without exception, is virtuous. This is a plain, practical standard."

CASES OF THE WEEK.

Before the Vacation Judge.

LORD JERSEY *v.* **UXBRIDGE RURAL SANITARY AUTHORITY.**—3rd October.

PRACTICE—GARNISHEE ORDER—DEBT—RURAL SANITARY AUTHORITY—PUBLIC HEALTH ACT, 1875.

This was an application to set aside a garnishee order obtained by the plaintiff attaching certain sums alleged to be due to the defendants in the hands of their treasurer. It appeared that in January, 1885, Lord Jersey obtained judgment against the defendants in an action brought by him, and his costs in that action were taxed at the sum of £633 2s. 10d. in April, 1890. An *ex parte* application had been made, and a garnishee order *nisi* obtained, attaching the sums of £287 and £302, debts alleged to be due to the defendants in their treasurer's hands, and fixing the 27th of October next as the date for shewing cause why the order should not be made absolute. The effect of this was to tie up funds otherwise available for current expenses of the union, and the sanitary authority now applied to set aside the order, that they might pay the quarterly salaries of their officers, and similar expenses. It was contended for the applicants (1) that the sums attached were not debts due from the treasurer; (2) that as a rate could not now lawfully be made to pay this debt, so the funds in hand could not now be applied in payment of a liability which a rate could not be made to defray; and (3) that as to the sum of £302, which was the balance of a loan obtained for special purposes for one parish in the district, there was a trust attached to that sum in that it could not be applied for any other purpose and could not be attached: *Waddington* v. *City of London Union* (1 E. B. & E. 370), *Attorney-General* v. *Wilkinson* (28 L. J. Ch. 392).

VAUGHAN WILLIAMS, J., said the garnishee order must be discharged, though he thought the sums in question were debts due from the treasurer to the defendants. The case of *Waddington* v. *City of London Union* seemed a clear decision that it was not lawful to make a poor rate for the payment of a past debt, and therefore it followed that execution could not be levied on a poor rate to satisfy debts to meet which such rates could not have been lawfully raised. The case of *Harrison* v. *Stickney* (2 H.L. 108) decided that there was no rule of law prohibiting retrospective rates generally, but in every case of rating the question was, whether the Act under which the rate was raised did so expressly or impliedly. It seemed to him that the first sum attached (the £287) came from rates raised by the machinery of the poor rates for the purposes of the Public Health Act, 1875, and so fell within the rule and the consequences of the rule in *Waddington* v. *City of London Union*. The other sum (the £302) was borrowed under the powers of the Public Health Act, 1875, ss. 233 and 242, from the Public Works Loan Commissioners for a specific purpose, and seemed to him clearly not attachable to satisfy Lord Jersey's judgment. It had been urged that these costs were a charge upon the rates, but he could not see that the costs of this litigation were charged upon either of the sums in question. If it were urged that a rate to pay these costs would not be a retrospective rate because the certificate for costs was obtained this year, the answer to that was that, for the purposes of the rule as to retrospective rates, one must look to the time when the right to the costs arose, and not to the time of obtaining the certificate. The garnishee order, therefore, must be discharged, and the defendants must have their costs of the motion, to be set off however against the debt due to Lord Jersey.—COUNSEL, *Macmorran*; *Pollard*. SOLICITORS, *Gamlen & Burdett*; *Freshfield & Williams*.

LAW SOCIETIES.

INCORPORATED LAW SOCIETY.

ANNUAL PROVINCIAL MEETING.

The annual provincial meeting of the Incorporated Law Society was this year held at Nottingham, the Nottingham Incorporated Law Society giving the visitors a very hearty welcome to the town and entertaining them with great hospitality. On Monday evening the Mayor (Mr. Alderman Goldschmidt) received upwards of four hundred gentlemen at a conversazione and ball held at the Castle Museum, and several hundred of the leading inhabitants of Nottingham and the district were also present.

TUESDAY'S PROCEEDINGS.

The members met on Tuesday morning in the theatre of University College, Shakespeare-street, the president of the Incorporated Law Society of the United Kingdom (MR. R. CUNLIFFE, London) taking the chair.

MR. HENRY WING (president of the Nottingham Society), as its representative, and also on behalf of the Mayor and Corporation, tendered a hearty welcome to the members.

THE PRESIDENT, on behalf of the members and himself, returned thanks, and expressed a hope that the meeting would be both enjoyable and instructive.

NEXT YEAR'S MEETING.

MR. J. J. E. VENNING (Devonport) invited the society on behalf of the Plymouth Incorporated Law Society, in which invitation they had the support of the Exeter and the Cornwall Law Societies, to visit Plymouth next year. Plymouth consisted really of Plymouth, Devonport, and Stonehouse, and included a large population.

MR. J. F. MILNE (president of the Manchester Law Society) said that his society had hoped that the members would visit Manchester next year;

but they would not wish to stand in the way. They hoped, however, that they might entertain the society in the following year.

The PRESIDENT said he believed there were circumstances which rendered it advisable in the interests of the profession that the invitation to Plymouth should be accepted.

PRESIDENT'S ADDRESS.

After some introductory observations, and a reference to the death of Mr. J. A. Rose, the PRESIDENT said:—

The Rules Bill, to which reference is made in the report, and in the promotion of which Mr. Keen took an active interest, has unfortunately, from circumstances which no one could control, not yet become law. It is to be hoped, however, that a measure which would, if passed, be of great benefit to the profession, as well as to the public generally, and would, I venture to think, materially assist and lighten the labours and responsibility of the "Rule-making Authority," will before long become part of the law of the land. The hope, which Mr. Keen, in his excellent address delivered at our last meeting at Leeds, expressed, that commissioners for oaths would, under the provisions of the Commissioners for Oaths Act, 1889, be held to be capable of administering the oath which is required to lead to a marriage licence, has, I regret to say, not been realized; for the council have been advised that commissioners for oaths are not competent to administer such an oath, and if it be desired that they should be so empowered, further legislation to that end will be necessary. [After a reference to strikes and to the Tithe Question, the President continued:—] In the last session of Parliament many alterations in the law of England have been made, which require the immediate attention of the legal profession. Some of these alterations, made with the best intentions and with a view to the benefit of the community at large, cause at times great trouble and perplexity to solicitors. Old landmarks are swept away, and solicitors often find themselves at fault in endeavouring to advise their clients as to the meaning and effect of Acts of Parliament recently passed, until such Acts have been considered and adjudicated upon by the court; and this of necessity means, that someone has to pay for the privilege of ascertaining the true meaning and effect of the particular Act of Parliament, on the construction of which doubts have arisen, rendering an appeal to the court advisable or necessary. At the same time, as the world progresses, changes take place which must be legislated for, and we cannot expect that the public will submit to suffer from wrongs, or omissions, which can, they believe, be remedied by legislation; and I can say without hesitation, that the legal profession, as a body, heartily welcome, and endeavour honestly, and to the best of their ability, to give effect to, any changes in the law which are beneficial to the public at large, even when much of what has been laboriously learned by them has to be forgotten, and the study of that particular branch of the law, which the Legislature in its wisdom has thought fit to alter, has to be commenced *de novo*.

THE DEATH DUTIES.

There has not, I am happy to be able to report, so far as I have ascertained, been any change during the past session of Parliament in what are commonly known as "death duties." These duties are frequently productive of much trouble, not only to those who have to pay them, but also to those who have to advise their clients as to what duties ought properly to be paid. Many legal practitioners have suffered annoyance, and at times personal loss, owing to their not causing to be paid at the proper time the duties which their clients became liable to pay, and which must be paid sooner or later, and, when paid later, with the penalty of accrued interest, and, not unfrequently, with extra duty on the increased value of the property in respect of which duty ought to have been paid. Although these so-called "death duties" are liked neither by the profession nor by the public, and although they press at times heavily on those who have to pay them, the government of the country must be carried on, and funds for that purpose must be provided, and it has not unreasonably been considered by the Legislature, that those who come into possession of property by the death of the late owner are precisely the persons who can best afford to pay to the Government a percentage on the value of the property which they so acquire.

THE LAND TRANSFER BILL.

The Land Transfer Bill was not introduced into Parliament last session. Should this important measure be again brought forward, its provisions will again receive the careful attention of the Council of the Incorporated Law Society, and no unreasonable objection will, I feel sure, be raised by them, or by the legal profession generally, to any measure which may tend to simplify, facilitate, and cheapen, the transfer of land. On the question of registration so much has been so well and exhaustively said and written by eminent members of both branches of the profession, notably by Mr. Challis, Mr. Nathaniel Tertius Lawrence, and Mr. Benjamin Green Lake, that I do not propose to trouble you with any further reference to that question, beyond stating that I hope that, if the Land Transfer Bill should be again introduced into Parliament, it will not be framed so as to endeavour to impose on the country a system of compulsory registration, which would, I feel sure, be found an intolerable burden, not only by those who already own land, but also by those who desire to acquire it, and by those whose business it is to see to its being properly transferred, and that is practically the whole community. The transfer of land has been much simplified by the recent Conveyancing Acts, and I think that if those Acts are allowed a fair trial, titles will ere long be much shortened, and the transfer of land will become even more easy than it is at present. It must not be forgotten that so long as the title of a landowner is unregistered he can, should he desire to deal with his land in a hurry, depend on the active co-operation of his solicitor in carrying his wishes into effect; but if the title be registered, the matter, however important it may be that there should be no delay in its completion, must necessarily take its turn with other matters, and the officials, however desirous they may be of giving assistance, may reasonably plead that they are unable to give preference to one case over others. If, however, as is remarked in one of the reports on this subject issued by the council of our society, the ultimate result of registration be found to be beneficial, landowners may be trusted to find out its advantages for themselves. Those who believe in the system will hasten to take advantage of it, and will, if satisfied, make its attractions known to others. If it be found that registered land can be more easily dealt with and will command a higher price than unregistered land, compulsion will not be required to insure the general adoption of registration.

The president next proceeded to review the legislation of the last session, and, after summarizing the Bankruptcy Act, 1890, referred to

THE DIRECTORS' LIABILITY BILL.

The Directors' Liability Bill has been passed, and is now law. The ostensible object of the Bill, which was introduced in the House of Commons, was, as you all know, to put an end to the reprehensible practice of issuing prospectuses of limited joint-stock and other companies containing statements which are at variance with fact, or which might be considered as misleading, with the view of inducing the public, on the faith of such statements, to subscribe for shares and stock in those companies. The Bill, as it passed the House of Commons and was introduced into the House of Lords, was condemned by the Lord Chancellor and by other eminent law lords as bad and mischievous, and as not calculated to effect the objects aimed at by its authors; and Lord Herschell, who took charge of the Bill in the House of Lords, did so only on condition that he was to be at liberty to alter the Bill as he thought fit. His lordship did so alter it; but, even after it had been revised and amended by him, it seemed to the council of this society, to other members of our profession, and to many who were not members of it, but who were well competent to form an opinion upon it, to go too far, in fixing with liability persons who ought not to be made liable under it, and yet not to go far enough, inasmuch as it might fail to reach the real culprits. The language of the Bill, as it stood, might, it was considered, be taken to fix liability for what could be termed a fraudulent prospectus on many classes of persons besides the actual authors of the untrue statements contained in that prospectus; and the better opinion seemed to be that it would impose liability for the issue of such a prospectus, not only on the directors named in it, but also on all persons concerned in the issue of that prospectus, including, perhaps, the person by whom it was printed! Numerous representations were made by the council, by individual members of it, and by others, to the Lord Chancellor and to Lord Herschell and other law lords, and the Bill was freely discussed and commented upon in the public press, and its possible mischievous action pointed out, and various amendments were made in the Bill for relieving innocent directors from liability under it. The word "misleading," to which so much objection had been taken, was struck out of the Bill, and a clause was inserted defining the meaning of the word "promoter" as used in the Bill, and declaring that no person should be considered a promoter by reason of his acting in a professional capacity for persons engaged in procuring the formation of a company; and the Bill as so amended was passed and became law. Many persons contend that the Act was not required, on the ground that the law as it stood was sufficient to punish those who knowingly issued, or procured to be issued, a fraudulent prospectus, or who, with intent to defraud, allowed such a prospectus to be issued apparently by their authority; and that the Act as it stands will not of itself enable those who are aggrieved or injured by the issue of such a prospectus, to obtain more redress than they could have obtained, before it was passed, against the persons who are most to blame for the issue of the prospectus complained of; and that it casts on directors and others against whom proceedings may be taken, the *onus* of proving their own innocence, instead of leaving to those who may commence proceedings the task of proving that those against whom they are seeking relief are guilty, and ought to be punished. Time alone and the result of proceedings in the courts will shew whether the opinion to which I have referred is well founded, but the effect of the Act will no doubt be to cause respectable and responsible persons who may be directors of a company, or who may be parties to the issue of a prospectus, to take especial care that they keep themselves clear of the liabilities imposed by the Act. Those persons who are neither respectable nor responsible will, as heretofore, trust to the chapter of accidents, and to their not being worth the trouble and expense of proceedings against them.

THE TENANTS' COMPENSATION ACT, 1890.

The Tenants' Compensation Act, 1890, has been passed to remedy a state of the law which undoubtedly caused, under certain circumstances, great injury to tenant-farmers, who, ignorant of the fact that their landlord had executed a mortgage of his property, by which he had deprived himself of the right to grant leases or tenancies of his land, had entered into contracts of tenancy with him alone, in pursuance of which they farmed the land so let to them and expended money in improvements upon it, in the reasonable expectation that they would be allowed to ingather their crops, and that they would be recouped for the expenditure so made by them, either according to the provisions of the Agricultural Holdings Act, or the custom of the country, or under the terms of their contracts of tenancy; and who, without default on their part, found themselves confronted with their landlord's mortgagee, as against whose undoubted legal rights they were in fact trespassers, and who had the power (which was exercised in the *Lambert Grange case*) of turning the tenant let in by the mortgagor out of possession of his holding, without making payment to him for his crops, or compensation for the unexhausted improvements *bond fide* made by him. This was a grievance and a hardship which

was considered by the Legislature to deserve and require a remedy, and to that end the Tenants' Compensation Bill was introduced into the House of Commons. As originally framed the Bill might have worked considerable injury and injustice to mortgagees of land, especially in cases where the mortgagor was impecunious, and the margin of value in the security over the amount lent upon it was small. Representations were accordingly made by the council to the Right Honourable Henry Chaplin, M.P., President of the Board of Agriculture, to the Attorney-General, and to other members of the House of Commons while the Bill was before that House, and, after it had passed the House of Commons and had been sent to the House of Lords, to Lord Herschell, who had charge of the Bill in their lordships' House, stating the views of the council as to the points in which they considered that the Bill might with advantage be amended; and the ultimate result of these representations was that various amendments were, in the interests of mortgagees and of purchasers, made in the Bill, which, as so amended, was accepted by both Houses of Parliament and received the Royal Assent. Among the amendments so inserted was a clause providing that any charge on land created under the provisions of the Act should be a "land charge" within the meaning of the Land Charges Registration and Searches Act, 1888, and should be registered accordingly; and other amendments, limiting the compensation to the occupier made payable by sub-section 2 of section 2 of the Act, under a contract of tenancy, not binding on the mortgagee, where the mortgagee deprives the occupier of possession of the land otherwise than in accordance with that contract, to compensation for his crops, and for any expenditure upon the land which he has made in the expectation of holding the land for the full term of his contract of tenancy, in so far as any improvement resulting therefrom is not exhausted at the time of his being so deprived; and limiting the application of that sub-section to cases where the contract is for a tenancy from year to year, or for a term of years not exceeding twenty-one, at a rack rent. This Act, which has been passed for the purpose of assisting the tenant-farmer, may tend to complicate the relations between a mortgagor of land and his mortgagee, and may cause the latter to take possession of the land in mortgage where he would not have done so but for the passing of the Act, especially in cases where the mortgagor is impecunious, and the margin of value of the land in mortgage over the amount lent upon it is small; for the Act in fact enables a mortgagor to let the land in mortgage without the consent of his mortgagee in cases where he previously had not the right to do so, and even where in a mortgage executed after the coming into operation of the Conveyancing Act, he has by the terms of his mortgage relinquished the right, otherwise given to him by that Act, of letting the land in mortgage without the consent of his mortgagee. The council, in considering the Tenants' Compensation Bill, received much valuable advice and kind assistance from Mr. Elphinstone, the eminent conveyancing counsel.

After briefly summarizing several other Acts, the president next referred to

Trusts or Unions and Syndicates.

Perhaps it might not be out of place if I here said a few words as to the trusts or unions, which have for some time been in force in the United States of America, and which are gradually being adopted here. It appears from an able report recently made by Mr. Edwardes, the Secretary to the British Legation at Washington, that these trusts, which are not as yet corporations, and which consequently have no charter, though some of them are seeking to obtain charters, are grouped into two general classes: (1) Those which have secret arrangements with corporations which transport a particular product from producer to consumer, and are thus enabled to exert an arbitrary control over the industries in which they deal, and (2) Those which do not depend upon secret relations with the transporter, but which aim through combination to secure the possession and control of the whole of any particular industry, and then, by the exercise of the power secured through this combination, to repress production and competition, and thus enlarge the margin of profit. The operation of these trusts, or unions, or syndicates, or whatever they may be called, is, in the opinion of those well able to judge, wholly baneful. They are pronounced to be (I quote from a recent issue of the *Scotsman* newspaper) artificial methods of rigging the market for the commodities to which they relate. They increase the price of the manufactured article, but they do not increase the cost of manufacture. In other words, they add nothing to the amount paid for labour. They are simply intended to add to the profits of those who enter into them, and so far as they go they prevent the operation of fair competition; and though in the long run they may not be successful, yet, while they exist, they are mischievous, for they are aimed at the welfare of the people generally. Should they ultimately be found to establish burdensome monopolies, the attention of Parliament may be directed towards them. As yet they have not been pronounced illegal in this country, and though some of the separate States of North America have passed laws for their suppression, no such law as yet been passed by congress.

The president then summarized some other Acts of the last session.

Public Trustees.

Reference is made in the last report of the council of this society to the Trust Companies Bill and to the Public Trustee Bill, both of which were again introduced into Parliament last session. Neither of these Bills has yet become law, but having in view the large number of companies recently formed for the purpose (among other things) of administering trusts, it is more than probable that, before long, legislative enactments will be passed dealing with the question of the appointment of a public trustee, and authorizing trustees and others to employ public companies as acting trustees, and to pay them for their services out of the trust funds which they may administer. The question of the remuneration of private trustees will then certainly have to be considered and dealt with. Many persons, and, I believe, some of the provincial law societies, advocate the remuneration of private trustees out of the trust funds and property committed to their care, but as yet no workable scheme of adjusting such remuneration has, to my knowledge, been formulated, and the whole question seems to me to be full of difficulty. It is true that no difficulty is really insurmountable, and if it be considered desirable and proper that private trustees should be remunerated for their services, some mode will be found by which that object can be attained. Those who desire to take out letters of administration often have great difficulty in finding persons willing to join as sureties in the administration bond, and it would, I think, be well if intending administrators were allowed to avail themselves, at the expense of the estate to which administration is sought, of the services of a public company, which would for a consideration, not excessive in amount, be willing to give security for the due administration of the intestate's estate

Stamps on Life Policies.

There is a matter to which I desire to call the attention of my professional brethren, as it affects each of us more or less, and it more especially affects those solicitors who are otherwise so fortunate as to be concerned for life assurance societies or companies. I allude to the effect of section 19 of the Customs and Inland Revenue Act, 1888 (51 Vict. c. 8), by which it is enacted that no assignment of a policy of life assurance shall confer on the assignee therein named, his executors, administrators, or assigns, any right to sue for the moneys assured or secured thereby, or to give a valid discharge for the same or any part thereof, unless such assignment is duly stamped, and that no payment shall be made to any person claiming under any such assignment, unless the same is duly stamped. And that if any payment be made in contravention of that section, the stamp duty not paid upon the assignment, together with the penalty payable on stamping the same, shall be a debt due to Her Majesty from the company or person by whom such payment is made, and shall be recoverable as such accordingly. Now we know that assignments of policies of life assurance are frequently made in a settlement by which other securities are settled or agreed to be settled, and in respect of which settlement of other securities *ad valorem* duty is payable. If the object of the section to which I have referred is, to insure there being on the deed by which a policy of life assurance is assigned a stamp sufficient to cover the amount of duty payable on such assignment, and the amount of which is easily ascertainable, I have nothing more to say except to regret that I have troubled you with any reference to this matter; but if the section means, that it is the duty of the company or person, who is called upon to make payment of life policy moneys to parties claiming under an assignment effected by a settlement containing other matter liable to *ad valorem* stamp duty, to see that such settlement is fully and completely stamped as a settlement, it seems to me that an undue responsibility is cast on the company or person who has to see to such payment being made. Take the case of a settlement dated, say, some twenty years before the policy becomes a claim, and which settlement contains, in addition to the assignment of a life policy, a declaration of trust of various stocks and shares in companies, on the true market value of which stocks and shares at the date of the settlement *ad valorem* duty ought to have been paid. Some of these stocks or shares may not have been quoted in the official stock list, some of them may be stocks or shares in joint-stock companies which may have been wound up and of which all trace has disappeared. How in that case is the unfortunate solicitor, who has to advise the insurance company or society called on to make payment of the moneys payable under the life policy assigned by such a settlement, to satisfy himself that the deed by which it is so assigned has been duly stamped? If the settlement has been adjudicated upon no difficulty will arise; but if not (and all settlements are not adjudicated upon as of course), he is placed in a position of considerable difficulty. He is not, I take it, entitled to require that the settlement shall be adjudicated before the policy moneys are paid to those claiming under the settlement, nor can he very well ask for evidence (which it might be almost impossible for those claiming under the settlement to furnish) that the settlement is duly stamped. If the construction, which some solicitors who act for life insurance companies and societies have placed on the section of the Act to which I have referred—viz.: that they are bound to see that the settlement by which a life policy is assigned is properly and fully stamped, not only as an assignment of that particular policy, but also as a settlement, be correct, then I think the profession ought to endeavour to relieve them of the responsibility so thrown upon them, either by assigning the policy by a complete separate deed of assignment, or by causing the settlement by which it is assigned to be adjudicated, or by agitating for an alteration in the Act to which I have referred, to the effect that no responsibility shall attach to those paying life policy moneys to persons claiming under an assignment of the policy, provided that the deed of assignment under which they claim bears on the face of it a stamp sufficient to cover the duty payable on such assignment. Perhaps our vice-president, Mr. W. Melmoth Walters, who is solicitor to the Law Life Assurance Society, and whose views on this subject will be entitled to great respect, or some other member here present who may be the solicitor to a life assurance company or society, will kindly give us his views as to the meaning and effect of the section to which I have referred.

Trial by Jury.

We live in an age which is essentially one of progress—"The old order changeth, yielding place to new"—and it seems as if the most sacred of our institutions, particularly if they are ancient, are, one by one, to be attacked and their utility questioned. I do not for a moment doubt the sincerity of those who lead the attack on time-honoured institutions. They, perhaps, see farther than the rest of us; but when it is gravely suggested

by eminent lawyers that trial by jury should be abolished, one is tempted to ask whether this is not going too far. The system of trial by jury has, no doubt, its defects, and in civil actions its utility may in some cases be questioned; but we must not forget that, although we are fortunate in having judges whose integrity is above suspicion, and who may be trusted fearlessly to discharge their duty, and to do justice to all men, it has not always been so, and there is no guarantee that the judges of the land may continue to be as upright, learned, and conscientious as all men admit they are at present. Whether it might be an advantage if the verdict of a substantive majority of the jury were received as of right in both civil and criminal proceedings, or whether in criminal cases we might adopt the practice which is in force in Scotland of allowing the jury to find a verdict of "Not proven" I do not venture to say; but I do hope that trial by jury, which has so long and rightly been considered as the palladium of British liberty, will not lightly be abolished.

The Administration of the Law.

Much has of late been written and said with reference to the administration of the law, and Lord Esher, than whom no one is more competent to form an opinion on the subject, brought the matter before the House of Lords during the last session of Parliament, and asked her Majesty's Government to issue a Royal Commission to inquire into the defects alleged to exist in the administration of the law. The Commission so asked for was not granted, but enough was said in the debate, which then took place, to make it evident that grave defects do exist which ought to be remedied. There is no doubt that, owing to these defects, the business of the Queen's Bench Division of the Supreme Court has lamentably decreased of late, and the chief cause of that decrease seems to be the great delay in bringing litigation to a final decision, added to which is the risk of costs to which litigants may be exposed. The result is a great and serious falling off in the receipts from judicature fee stamps during the last three years, caused no doubt mainly by commercial men and their advisers referring to arbitration, in the first instance, disputes which used to be brought before the court for its decision, notwithstanding their preference for the decision of a higher tribunal, were it obtainable without undue delay. The public are entitled to ask, and do ask, that they shall have justice administered to them speedily and cheaply, and, if the number of our judges is not sufficient for the due administration of justice, it is surely short-sighted policy not to increase their number. The population of the country has increased, and business has increased, and the number of the questions which arise in the course of that business, and on which the decision of a competent tribunal is desired, is daily increasing, and yet it is attempted to grapple with this increase of business by means of a staff of judges whose number has not been proportionately increased, and the result is delay, and delay means loss and expense, and consequent discontent. Surely this state of things should not be allowed to continue; if more judges with their attendant officials are required, it is better that they should be appointed than that the legal business of the country should be allowed to leave the courts, and that justice should be practically denied to those who seek it. Let us hope, therefore, that the Government will be wise in time, and take steps to put an end to a state of affairs which is not creditable to the country, and for which a remedy might, I believe, be found without much difficulty.

The Incorporated Law Society.

The Incorporated Law Society enlarges year by year its sphere of usefulness; our able and indefatigable secretary, Mr. E. W. Williamson, who knows all about everything connected with the society, continues to give to the council his valuable assistance and advice; and our assistant-secretary, Mr. Bucknill, and all the members of the staff of the institution work well and harmoniously together. Our members increase, though I regret to say not so quickly as could be desired or expected, considering the concessions which have recently been made as to the terms on which members of provincial law societies may become members of the parent society, and perhaps I am not too sanguine in expressing a hope that the time is not far distant, when arrangements may be made, with the consent of the Chancellor of the Exchequer, by means of which every solicitor, who takes out a practising certificate, shall, by reason of his taking out such certificate, become a member of the Incorporated Law Society. The statutory committee appointed under the Solicitors Act, 1888, continues to do good work. The results of its labours during the past year are referred to in the last report of the council, and all members of the profession should feel, and no doubt do feel, much indebted to those members of the council who compose that committee, and who, under the able presidency of their chairman, Mr. B. G. Lake, devote much of their valuable time to attentively hearing and considering and to carefully reporting upon the cases which are brought before them. The committee of the council appointed to consider applications from members of the society for their opinion on the numerous questions which from time to time arise under the Solicitors' Remuneration Act, and the order passed thereunder, sit fortnightly, and the result of their labours is from time to time printed and circulated among the members of the society for their information and guidance. The Professional Purposes Committee, which meets each week, receives and considers, among other matters, applications and complaints with reference to unqualified persons who hold themselves out to be solicitors, or who endeavour to transact business which ought to be performed only by those who are actually qualified to practise as solicitors, and other professional matters not within the functions of the Statutory Committee. Closer connection is year by year being established with the provincial law societies, which are doing so much good work throughout the country, and the members of our profession are yearly becoming more and more united in their aims and endeavours to increase the usefulness and to raise the position of our branch of the legal profession, and the society is becoming known in foreign countries, for not long ago a letter was received from the president of the College or Society of Notaries at Buenos Ayres, addressed to the president of our own society, suggesting the advisability of the two societies exchanging notes as to the clauses which are required to be inserted in documents executed in Buenos Ayres and intended to be used in this country, and in documents executed here and intended to be used in Buenos Ayres, in order to render those documents available in the country in which they are intended to take effect. This letter, which was received after the council had adjourned for the vacation, has been acknowledged, and will shortly be laid before the council and their decision taken with regard to it, and I have referred to it here merely to shew that the existence of our society is becoming known to, and its co-operation valued by, foreign lawyers.

The Position of Solicitors.

It has been for generations not uncommon for writers of fiction to portray the solicitor (or rather the attorney as he used to be called) as unscrupulous and self-seeking—as an oppressor of the weak and of those unable to help themselves, and as subordinating all considerations to his own interest and aggrandisement. This is not my own view of the character of the members of the profession to which I have the honour to belong, and of which profession I have had an experience extending over fifty years. Some black sheep there have been, are, and will, I fear, always be among us; and what profession or calling can be said to be free from them? But I can unhesitatingly say, speaking of the members of our profession as I have found them, that they are on the whole a hard-working, not over-paid, body of men, who conscientiously endeavour to do their duty to their clients to the best of their ability, and whose work is always responsible, involving much thought, labour, and trouble. Year by year, as the profession is becoming better known and appreciated, we are having justice accorded to us, and the time has gone by for a man like the great Dr. Johnson to say, as he is reported to have said, that "he did not care to speak ill of any man behind his back, but he believed the gentleman to be an attorney." It is true that he appointed, when in a more serious mood, a member of our profession as one of his executors, but that fact is forgotten, while the jest is remembered. Solicitors as a body are not, I regret to say, even in this enlightened age, generally popular. To some persons a lawyer is a man to be dreaded and avoided, and as stated in an article in a recent issue of (I think) *Temple Bar*, what doctors were to Molière, what mothers-in-law are to music-hall singers, the practitioners of the law are to the world at large. The unsuccessful litigant remembers bitterly the bill of costs he had to pay, after what he considers were the iniquitous decisions given against him by a judge sitting with a jury at the assizes, by a divisional court, by the Court of Appeal, and ultimately by the House of Lords, to all of which tribunals, in spite of the advice to the contrary of his counsel and solicitor, he determined to carry an action commenced by him to assert his right to (say) a few acres of almost worthless land, and in which action, though a decision was given against him in every court, he to this day believes that he was right and his opponent wrong. Even our own clients, who as a rule believe in us and trust us, are at times disposed to think hardly of us, when legal proceedings in which they are concerned, and which, with all our efforts, we cannot bring to a termination, drag their slow length along in the courts, and are disposed to blame us for the law's delays, which are none of our making, and to which, if we had our own way, we would speedily put an end; and they, not unnaturally, do not like having to pay the difference between the party and party costs which, if successful, they recover from their opponents, and the charges as between solicitor and client of their own solicitor; and, "taking one consideration with another," a solicitor's life is not always a happy one; yet we endure, as best we can, the evils which we have to suffer. Calumny we have learned to bear with something like equanimity, and we continue the practice of our profession (which is indeed to most of us our means of getting a living) conscious that we are at all events doing our duty to our clients, and are not going out of our way to make the doing of that duty oppressive to others. It is often asked what is to be done to raise the *status* of our branch of the legal profession, and various answers have been given to this frequently recurring question, the solution of which has been attempted by many earnest and able men. I do not wish to disparage any attempt to raise the *status* of our profession as a body, but I do not believe that fusion of the two branches of the legal profession, about which we have of late heard so much, and which is advocated by many for whom and for whose opinions I have great respect, would necessarily have that effect, or would be desirable either for the bar or for our own branch of the profession, and I think that it would not benefit the general public. I am not going to trouble you now with any argument in support of my unbelief in the efficacy of fusion. I have already exceeded the limit I had prescribed to myself as the length of this address; but there are so many things to refer to on an occasion of this kind, that, if I have transgressed, I hope I may be forgiven; and in conclusion I will say that I believe that the interests of the solicitors' branch of the great legal profession will best be served by its members remembering that a profession is, after all, judged worthy, or otherwise, according as its members are or are not honest and capable. It is open to each of us to be honest; we are not, and of necessity cannot each of us be, or become, equally capable, but every one of us can do his best conscientiously to discharge his duty to his client without doing wrong to any man, and if we each of us do this, so shall every one of us take his share in raising the *status* of the profession to which we have the honour to belong, and which Mr. Lake, in his able address delivered at Newcastle-on-Tyne in 1888, styled a "noble profession." Mr. Lake styled our profession "noble," and is it not so? Is it not our duty to advise those who require advice; to help those who are wronged to obtain redress for

their wrongs; to assist the weak against the strong, the oppressed against the oppressor; to advise our clients how to keep that which is their own and to recover that which is wrongfully withheld from them; to endeavour to obtain justice for all who seek our assistance in obtaining it; to arrange family disputes; and to endeavour (in matters in which we are consulted) to procure that each person interested in property gets his proper share of it and no more? And these being the duties of our profession, you will, I think, agree with me, that Mr. Lake was right in his choice of the term "noble" as applicable to it. It is true that we expect to be paid for our services, but so also do the members of other professions, and that ought not to be made a reproach against us; and it is not so made by those who are thoughful and reasonable, and who consider that the labourer is worthy of his hire, as indeed he is. Let us therefore, each of us, knowing and feeling that our profession is a noble one, do his best to uphold its honour and dignity, as if such upholding depended on his own individual words and acts; and this being done, there will not, I think, be much further need to ask how the *status* of our branch of the legal profession shall best be raised.

Mr. W. Melmoth Walters (vice-president, London) referred to the question of the stamp on assignments of policies. There was no doubt that the president had pointed out a blot in the recent Act of Parliament, and it threw a very serious responsibility on the advisers of insurance societies and others with regard to the payment of policies of insurance which might have been subject to frequent dealings. He (Mr. Walters) quite agreed that each deed should be properly stamped, and that the stamp must be a proper stamp for the particular deed, and not merely one sufficient to carry the policy. But he would answer the president's question in this way. Solicitors were practically bound to look at it in that way. It was a new Act and the actual case the president had put had not come before him (Mr. Walters) at present. When it did, he would be guided probably by considerations of expediency rather than of law; because a solicitor might not only get himself but also his clients into disgrace. It did not answer to be too precise in one's requisitions on paying policies. That was the practical view of the matter which he thought would be taken generally. If the thing was driven home, there was no doubt a distinct danger, but on the other hand could not they look to receiving to some extent the tender mercies of the Inland Revenue when they shewed they had done the best they could in that they had examined the title and done the best they could to estimate correctly the amount of stamp duty. It was true the tender mercies in this case were cruel. He knew that the Inland Revenue office were the sharpest practitioners possible, but he would hope for the best, and at the same time solicitors should not relax their efforts to obtain a modification of the law. The section said that unless a deed was duly stamped it should not confer any right to give a discharge. Then came the question of the effect of an assignment unstamped when executed, but stamped before the assignor became bankrupt or assigned. The question had been originally started by the Solicitors' Journal, and, as it was felt to be a serious matter, some insurance companies united in getting the opinion of Sir Horace Davey on the point, and the opinion given was to the effect that the fact of stamping a deed made it really date back to the date of its execution, and consequently any subsequent bankruptcy of or assignment by the assignor came to nothing. He wished our legislators would consider a little more carefully the effect of their legislation before they put crude Acts of Parliament upon the statute books. He would also like that there should be some system by which not only rules of court, but Acts of Parliament which affect the law should be submitted formally to members of the profession, which would be very much to the advantage of future laws which might be framed. The best framers of laws were the people who had to act under them.

Mr. L. N. Biden (London) referred to a circular recently issued by the Inland Revenue authorities requiring the stamp duty to be placed upon transfers of mortgages where interest was mentioned, which he thought would be productive of great hardship.

Mr. Walters pointed out that another circular had since been issued which corrected the circular referred to, stating that there was no claim of duty for arrears of interest where less than a half year's was due.

Sir A. K. Rollit (London) expressed a hope that before long the provisions relating to deeds of arrangement would be materially modified and improved. At present they were marked by very great faults. There was no doubt that dissentient creditors were occasionally bought out. He thought that, providing adequate safeguards were instituted, the time had come when they might resort to the system which prevailed under the Act of 1861, when deeds might be forced upon a small dissentient minority by means of a considerable majority. He hoped it would be found possible to complete the Insolvency Code by returning to what he thought was a good principle, though in practice undoubtedly there were faults. He would suggest that there should be a sliding scale, so that where 10s. in the pound was paid a majority of half the creditors should be able to prevail; where 7s. 6d., three-fourths should have that power; and where the composition was still less, the very large majority of four-fifths should be able to carry their own in reference to the administration of an estate, reserving, if necessary, the conduct of the bankrupt for ulterior consideration by a tribunal. He would suggest that the council should appoint a committee to consider the subject, for he had reason to think that such a proposal would find favour with the Government.

Mr. F. K. Munton (London), speaking with regard to the subject of the fusion of the two branches of the profession, said his impression was that the cry for fusion was brought about by the desire of people to have anything rather than the present system, which creates so much delay. He thought that if there were more judges and greater expedition in the trial of causes the cry would die out. Every president, for at any rate the last three years, had expressed himself as opposed to fusion.

Reform of Civil Procedure.

Mr. W. T. Rogers (Liverpool) read the following paper:—

I propose in this paper to contend that our civil procedure—the high road to justice—needs revision and codification, and that its growth in the future ought to have more skilful treatment than has fallen to its lot in the past. Simplicity is the great object to be attained. But before our procedure can be simple, it must be made reasonably intelligible. That is to say, the written expression of it must be fairly clear; for if it be not so, the attainment of justice must be attended not only by great waste of time to the lawyer, but by much uncertainty and expense to the suitor. It is not too much to say that the unwillingness of our clients to resort to the tribunals to which they naturally look for redress of grievances is largely due to a sense that our methods are too costly, and that a good deal of their money is spent in settling disputed points of practice; and they not unreasonably fail to see why they should be called upon to pay for obtaining judicial decisions for the benefit of the public generally. It was thought that when the Judicature Acts, 1873 and 1875, were passed we had inaugurated a system of procedure in the Supreme Court which should be not only simple but cheap. Theoretically it is so, but in fact it is not. There have been not less than 5,000 judicial decisions on points of practice in the fifteen years during which those Acts have been in force, a number I believe to be in excess of that produced in any previous period of the same length in our legal history. The mode in which Acts of Parliament and rules and orders relating to procedure are formulated seems to me to be very unsatisfactory. The Acts almost invariably originate from an official source—the Government of the day; and though nominally the general public have a voice in the matter, yet in fact this does not amount to much, and very little independent force can be brought to bear. It is not much to the credit of our law makers that since the Judicature Act, 1873, came into operation about one-fifth of its sections have been repealed, altered, or suspended by Orders in Council, by the Statute Law Revision Act, 1883, by the later Judicature Acts of 1874, 1875, 1877, 1879, 1881, 1884, by the Appellate Jurisdiction Act, 1876, and by the County Courts Consolidation Act, 1888, and the Arbitration Act, 1889; and that of the Judicature Act, 1875, about 35 sections have been repealed wholly or in part, or amended by later enactments; and that of the 25 sections of the Appellate Jurisdiction Act, 1876, about 10 have been similarly dealt with by subsequent Acts. The very number of these Acts is serious enough, but the loose method in which they have been framed increases the evil enormously. In some instances a repealing section declares that a section in a previous Act shall be repealed from a certain word to another word several lines below, but the draftsman has forgotten to make alterations which are necessary consequent upon the repeal. In others, a repealing section which lays down fresh law declares that a section in a previous Act shall be repealed so far as it is inconsistent with the new section, thus leaving the practitioner to decide whether there was any inconsistency, and, if so, the nature and extent of it. It is evident, therefore, that there is urgent need of a revision and consolidation of all the above enactments. The bulk of our regulations as to procedure in the Supreme Court, however, is contained in rules and orders, including the forms and scales of costs appended. These rules and orders have been framed from time to time by what is called the Rule Committee of Judges (Judicature Act, 1875, s. 17). All rules and orders must be laid before each House of Parliament within forty days next after they are made, if Parliament is then sitting, or, if not, within forty days after the commencement of the then next ensuing session; and if an address is presented to Her Majesty by either House of Parliament within the next subsequent forty days on which the said House shall have sat, praying that any of such rules or orders may be annulled, Her Majesty may thereupon by Order in Council annul the same. The Rule Committee of Judges is a secret tribunal. The public, including the legal profession, rarely know when it sits or what business it is discussing, and have no access to its deliberations. The enactment providing that rules and orders must be laid before Parliament is in effect a dead letter. I believe that the fact of their being so laid is never published, at least there is no enactment requiring this to be done. An address by either House to Her Majesty in reference to any such rules or orders is, I believe, a thing unheard of. Neither House could be expected to interest itself sufficiently upon such a technical subject to present an address. In fact, the whole thing is a secret proceeding to all intents and purposes, and the profession wake up from time to time to the consciousness (usually derived from the legal newspapers) that new rules of great importance have been made behind their backs bearing date many days or weeks before, rules altering the course of procedure, and, perhaps, dealing with their remuneration. Setting aside the inconvenience and unfairness of this, it may be asked, has this mode of making law worked well? Have the rules and orders been carefully prepared? The 5,000 judicial decisions above referred to afford an anwer to these questions in the negative. To give a string of specific illustrations drawn from these cases would weary you, and would not be complimentary to an audience composed of practical lawyers, yet it is necessary that I should give a few examples. How difficult it is to say in some cases (having in view the serious matter of costs) whether a particular proceeding should be commenced by writ or by originating summons. Is not third party procedure in a state of utter confusion, notwithstanding numerous decisions upon it? Who can tell with any approach to certainty what matters are within the discretion of the court or judge, and therefore not subject to appeal, or what are not, and therfore subject to appeal? Within the last few months the profession have learnt for the first time that the residence of a merchant suing upon a mercantile contract is, for the purpose of a writ of summons, the place where he lives, and not the place where he carries on his business. Is not the procedure in Chancery often very different from that at common law upon cognate matters, notwithstanding that uniformity was contemplated by the Judicature Acts? and, partly owing to the want of a com-

plete code, is not much of such procedure manufactured by the officials who have to work the machine, so that it remains in the domain of unwritten law, and is most various and changeable in its character? In the year 1888 new rules as to investment of cash under the control of the court which came into operation in October, were annulled in the following November. In the year 1889 new rules as to taxation of costs were partly annulled and partly varied by rules issued within three months afterwards, this being done in response to a movement of the profession pointing out the hardship of the rules which had been made. Speaking of the scales of costs for the moment separately from the rules and orders, not only do they fail to provide any remuneration for much work that has to be done in the course of an action, but in many respects the allowances are grossly inadequate. We want not only a revision and codification of the practice statutes, but also of the rules and orders. The Council of the Incorporated Law Society of the United Kingdom have before them a cut-and-dried scheme for the reform of county court procedure, and I believe are only waiting for an opportunity to press it upon the authorities: but I am not aware that they are doing anything towards securing similar treatment for the Judicature Acts and the existing procedure thereunder. What a boon it would be to have the judicature practice, including of course the mass of judicial decisions to which I have referred (so far as they are sound and desirable), welded into a clear and intelligible code! Mr. Thomas Snow, the well-known chancery barrister of Liverpool, whose name will be familiar to all here as the principal editor of the "Annual Practice," in a letter to the council of judges of the Supreme Court (which has been published), has dwelt very fully upon the necessity of this, and has also pointed out that the work must be preceded by a continuous and systematic course of preparation. There ought to be an official appointed by the Government whose duty it should be to make the subject his special study. He should be a centre to which suggestions from the officials of the Central Office, practitioners in both branches of the profession, the Bar Committee, and the various law societies, should flow. He should report to the Rule Committee periodically, and his labours should be the foundation for the required code. After the issue of the code his services would still be required, for of course no code could be absolutely complete, and new rules and orders would be required from time to time. If his time were not then fully occupied, he might be called upon to assist in other departments of the judicial system. Copies of the intended code and of all proposed new rules and orders would be sent by him to the officials and bodies above mentioned, and printed in the legal newspapers, and criticisms invited thereon. Provision could readily be made—which I think essential—for enabling the officials and bodies above referred to to bring their views before the Rule Committee direct, and for having them considered. I go a step further in expressing the opinion that our branch of the profession ought to be represented upon the Rule Committees under the Judicature Acts and County Courts Consolidation Act, as it is under the Solicitors' Remuneration Act. How solicitors have so long submitted to have the procedure of the courts, including their own remuneration, regulated by a body of men who, however able and well meaning they may be, have not, as a rule, sprung from their ranks, and cannot therefore be expected to be familiar with that portion of procedure which falls more particularly within the province of solicitors, and who are practically unapproachable by their representatives, is a mystery impossible to solve. We all know that the Incorporated Law Society of the United Kingdom in the present year introduced into Parliament a Bill called the "Rules Publication Bill," which has, however, since been dropped. That Bill, which was backed by Mr. Henry H. Fowler, Sir Albert Rollit, Mr. Cozens Hardy, and Mr. Gainsford Bruce, simply proposed that the draft of all contemplated new rules and orders in the Supreme Court and county courts should be published in the *London Gazette* at least forty days before they should be made, and that on the expiration of that period (but not before) the rule-making authority might make the rules and orders either in the form or to the effect of the published draft, or with such alterations or additions as to such authority might seem fit. The object of the Bill was, of course, to give the profession notice of impending alterations in procedure, so that, if thought desirable, representations might be made by the Bar Committee and law societies to the judges before such changes should come into force. No doubt the Bill was a step in the right direction, and the council deserve the thanks of the profession for it. But its provisions scarcely went far enough. In the first place the Bill did not provide that prints of the proposed rules and orders should be supplied to the council and the Bar Committee. Even if thus amended the Bill might not be of any real use. It did not attempt to provide that any suggestions emanating from the representatives of the profession must be considered by the Rule Committees. Such suggestions have often in the past borne little or no fruit, and it has not always been made known whether they have been considered by the committees or not. Furthermore, the Bill made no provision for the revision and codification of the existing statutes and rules and orders, or for the representation of solicitors upon the Rule Committees. It will be observed that I have only dealt with county court procedure incidentally, but I submit that it suffers from defects similar to those belonging to the procedure in the High Court. I conclude by moving the following resolution:—That it be a recommendation to the Council of the Incorporated Law Society of the United Kingdom that they should take the necessary steps, by legislation or otherwise, for securing the following objects:—(1) The revision and consolidation of the Acts of Parliament now in force relating to civil procedure in the Supreme Court of Judicature in England. (2) The revision and consolidation of the rules and orders now in force in that court and in the county courts. (3) The appointment of solicitors as members of the Rule Committees, by whom such rules and orders are framed. (4) The publication of all future rules and orders of the said courts prior to their coming into force. (5) The recognition of the right of the bodies representing the bar and solicitors to offer suggestions to the said Rule Committees in reference to all the matters above mentioned, and to be heard thereon.

Mr. Rogers concluded by moving the resolutions.

Mr. R. S. Cleaver (Liverpool) said it was little to the credit of the Legislature that since the Judicature Act was passed it had been necessary to amend it six times. It was most important that the Judicature Acts should be consolidated, and even more important that this should be done in the case of the rules.

Mr. Grinham Keen (London) said that the council during his year of office as president had prepared four Bills with regard to the making of rules. Referring to the labours of the council in the matter, he said that they were yet proceeding on the same lines until he hoped they would get what they wanted, the right of being consulted in matters of legislation which affected solicitors. Personally, he would very much like to see representative men—a barrister and the president—sitting upon the Rule Committee. Nothing could be more for the advantage of the judges, the profession, and the public than that men who worked under the rules should have something to say as to their being drawn up. The president, in his paper, had spoken of party and party costs. One of the highest authorities in the land had last year told him (Mr. Keen) that he agreed with him that solicitors ought to be consulted as to drawing up the Rules. He (Mr. Keen) was of opinion that the difference between the costs allowed by the court to a victorious suitor and the actual costs he had to pay had much to do with driving business away from the courts.

Mr. Rogers having modified his resolution by prefixing the words "That the council be requested to continue their efforts for insuring the following objects,"

Mr. J. Miller (Bristol) urged the desirability of greater uniformity as to the time when Acts should come into operation after passing. During the late session, for instance, the Companies Act had come into operation on the day it was passed, long before it was in print, whilst the Bankruptcy Act did not come into force until next January. He suggested that there should be an interval of forty days between the passing of an Act and its becoming law.

Sir A. K. Rollit said that it had been thought desirable to postpone the operation of the Bankruptcy Act for a considerable period, but the House of Lords had made it the 1st of January.

The President thought that if a suggestion were made as to forty days elapsing, the answer would be that the Bills were open to inspection, and if there was any objection they should get it altered by some member of Parliament.

Mr. R. Pennington (London) did not object to Mr. Rogers' proposal, except that he thought it too big a claim to make. He had been as unconscious as Mr. Rogers that the council had under consideration any such scheme as the revision and consolidation of Acts of Parliament now in force relating to civil procedure. An important matter, covered by the resolutions and referred to in the president's address, was the cause of the great delay which took place in regard to the administration of justice, and he would like the meeting to consider whether it was not possible that the joint committee could do something to put an end to or mitigate that cause of great dissatisfaction to the public and the profession. It was a most remarkable circumstance, but they had all heard complaints of the falling off in the receipts from the judicature fees. Everyone present would know that all the commercial and mercantile business of the City of London had practically left the courts, and this had been brought to the attention of the late president some months since by one of the judges. A suggestion had been subsequently made that some effort should be made to get that business back, and it was proposed that London should be an assize, as was the case in Leeds and other large provincial towns. Mr. Keen had brought the subject to the attention of the council, but several City solicitors had said, "The business has gone; it is impossible to bring it back." The cause of it was, of course, the scandalous delay in the courts, but he could see no reason why the courts should not transact all the business of the public. It was an extraordinary state of things that the great mercantile houses were driven to arbitration, a very imperfect tribunal. The best course would be to propose a resolution that the council should be requested to take what course they thought fit with a view to induce the proper authorities, he thought the Treasury, to take steps to alter the present state of affairs. He would suggest that Mr. Rogers should add a recommendation that the matter should be taken into consideration by the council.

Mr. F. W. Martin (Reading) thought the falling off of the judicature fees was due to the fact that the public were disgusted with the procedure of the Queen's Bench, and had been obliged to resort to arbitration. Mr. Finlay, Q.C's. Bill for motions for new trials to go straight to the Court of Appeal was a most valuable measure.

Mr. Pennington moved that the council be requested to communicate with the Treasury, or other proper authority, to make due provisions to expedite business by providing an adequate staff of judges and other officials of the courts.

Mr. J. Hunter (London) said that one of the four measures prepared by the council during the past session did distinctly suggest that the society should have the absolute right to communicate with the Rule Committee, and that their suggestions should be considered. In their instructions to counsel it was also proposed that members of the bar and solicitors should be appointed members of the Rule Committee. So that the council had been doing their best on these points. Since the council had begun to make a stir in the matter the draft of new rules had been invariably sent to them.

Mr. T. Marshall (Leeds) said they were probably agreed as to the motions 3, 4, and 5, but 1 and 2 were open to objection. He suggested that these should be omitted.

Mr. Rogers did not assent to this.

Mr. Munton said that during the last four or five years there had been joint committees of barristers and solicitors on several occasions. He suggested that after the useful discussion which had taken place, Mr. Rogers should not propose any formal resolution, but should leave the matter in the hands of the council.

Mr. Rogers said he would be satisfied if the matter were left to the council.

Mr. Walters said a great deal had been done by the council in the matter, and there was no real difference of opinion between them and the members on the subject. He moved that they were satisfied with the present discussion, and that they proceed to the next business.

Mr. Munton seconded the motion, which was carried.

Mr. Pennington's resolution was then put and adopted.

The meeting adjourned for luncheon.

Afternoon Sitting.—Criminal Law Reform.

Mr. W. Simpson (Leicester) read a paper on the subject of "Criminal Law Reform."

Although few members of our society are practitioners in criminal law, yet the form and administration of this branch of the law are of such universal importance that no apology should be needed for making them the subject of a paper at our annual provincial meeting. My aim is to indicate some of the main points in which reform seems required.

Codification is a primary need.—The Consolidation Acts of 1861 effected a great improvement, but nothing short of a complete codification of criminal law will meet the requirements of the case. The objection to codification, that it would destroy the elasticity of the law, has little or no weight as regards criminal law, the chief part of which is already in the form of statute law. In reference to crimes, the law should always be verbally precise. "Thou shalt not" should be clearly written if fine or imprisonment is the penalty for disobedience. At present the criminal law of England extends over six centuries. Pieced and patched at various times with various aims, its scrappy, incoherent form should be first reduced to clear and orderly statement. This process would bring to view many anomalies and imperfections urgently requiring settlement. Take as a recent illustration the disgraceful state of our law upon betting. Street arabs for tossing half-pence are fined sums which they cannot possibly pay; whilst persons found in a gaming house or betting club, staking hundreds or thousands of pounds, are liable under a statute of Henry VIII. to pay a maximum penalty of 6s. 8d. It is glaring anomalies like these which afford justification for the popular impression that there is one law for the rich and another for the poor. The urgent need for codification seems sufficiently obvious. As far back as 1833 a commission was issued to consider the question of codifying the criminal law, and there have been several commissions since that date. In 1848 Lord Brougham introduced into the House of Lords a Criminal Code Bill, which was not further proceeded with. The last commission, appointed in 1878, of which Lord Blackburn and Mr. Justice Stephen were members, issued a valuable report, now out of print. This report includes a code, drafted by Mr. Justice Stephen and settled by the commission, which was introduced as a Bill to Parliament in 1880 by Sir John Holker, then Attorney-General. Owing to the congested state of work in Parliament, there seems no better prospect now than there was ten years ago of carrying this code into law, unless outside pressure is brought to bear upon the Government.

Procedure.—In criminal procedure further simplification is needed. The Summary Jurisdiction Acts have proved a blessing in small cases by rendering justice speedy, cheap, and simple. At assizes and quarter sessions, however, the cumbrous procedure of antiquity prevails. The forms of indictments are as verbose and puzzling as ever. For whose benefit is this? Surely the average ill-educated prisoner can scarcely be expected to appreciate the full flavour of ponderous pedantry. The satire of the situation is strikingly displayed when the clerk of assize, as usually happens, is gracious enough to take the indictment as read, and to inform the prisoner and the jury in homely English that the charge is "for the murder of John Jones at Chester, on the 10th of January last," or "for stealing twelve shillings from the house of Thomas Smith at Derby, on the 21st of July last." These are the kind of forms really needed, and they are all that the code provides. In connection with assize procedure must be mentioned the solemn farce of reading the Queen's proclamation against vice. Like most modern farces, it is simply a curtain-raiser, which might advantageously be omitted. Court hours are too short to be wasted with such antiquated absurdity.

Grand Jury.—Another reform which would shorten and simplify criminal procedure is the abolition of the grand jury system. This system served a useful purpose in days when the Crown's influence dominated the administration of justice. It formed a barrier, as Blackstone points out, "against the violence and partiality of judges appointed by the Crown." Such days, however, are past beyond recall. The preliminary inquiry before a magistrate, which now almost invariably takes place, and which the draft code makes imperative in all cases, is a sufficient safeguard against injustice. Moreover, in cases where grand juries find "no true bill," there is always a suspicion that the person indicted has escaped, as it were, by a back door. It is more satisfactory in the interest of the public, and also of the accused if he be innocent, that the charge against him should be thoroughly and openly investigated. The fact that he has been committed for trial by a magistrate affords sufficient *primâ facie* evidence to justify his being put upon his trial without need for any further preliminary inquiry. The changed conditions of our time have rendered grand juries superfluous. Grand jurors might be utilized to add strength and dignity to petty juries.

Evidence of prisoners.—Prisoners and their wives or husbands should in all cases be competent but not compellable witnesses on oath. A glance at the gradual development of the law of evidence shews the gradual concession of fair treatment to prisoners. Until the reign of Mary no witnesses were allowed to prisoners. The only justification for what now appears a gross injustice was the ingenious theory that the charge must be so clearly proved as to be beyond possibility of dis-proof. The practice was gradually introduced of examining witnesses for the prisoner, though not upon oath. It was not until the reign of Anne that a statute was passed declaring that all witnesses for the prisoner should be examined upon oath in like manner as the witnesses against him. Further, it must be borne in mind that prisoners were not formerly allowed counsel, except where special questions of law arose. It was only sixty years ago that the right of prisoners was established to be defended by advocates in all criminal trials. Again, witnesses of bad character, and those interested in the result, were formerly disallowed. According to the modern principle, strongly urged by Bentham, all the testimony which can be procured bearing upon the matter in dispute should be admitted; not on the ground that all witnesses are equally credible, but because the full facts are most likely to be elicited by this method. It is remarkable that in several recent statutes prisoners and their wives or husbands are made competent witnesses; and in several cases much valuable evidence has thus been obtained which would otherwise have been lost. There is still a false notion prevalent that the system would be hard upon prisoners. The chief reason in its favour seems to be that it improves an innocent man's chances of acquittal and lessens a guilty man's chances. Surely the man most capable of giving important evidence at a trial is the man accused of the crime. If he wishes to give evidence he ought to do so on the same footing as any other witness, and subject to the same liability to cross-examination. Magistrates and juries would make due allowance for the natural bias of such witnesses, as they do now in the evidence of near relations and friends. For the above reasons it is to be hoped that the experiment recently tried may be extended to all criminal cases, of allowing prisoners and their wives or husbands to be competent but not compellable witnesses on oath.

Evidence of young children.—In connection with evidence, must be mentioned a useful section in a recent Act permitting children of tender years, although they may not understand the nature of an oath, to give evidence in cases under that Act without being sworn. A proper safeguard is provided that such evidence shall not be acted upon unless corroborated. This needful reform should be extended to all criminal trials.

Punishment.—The question of capital punishment has lately received a considerable amount of attention. During the ten years from 1879 to 1888 only 154 persons have been hanged in England, making an average of less than sixteen a year. This represents, however, only about half the cases in which the sentence of death has been pronounced by judges. Its uncertain enforcement naturally tends to destroy the deterrent effect of the punishment. There can be no doubt also that the objection to capital punishment on the part of juries drives them to acquit many prisoners, or at least to reduce the crime to manslaughter on the slightest pretext. Moreover, the amount of public excitement as to the enforcement of capital punishment frequently creates a wave of sympathy for a murderer, and weakens faith in the just inflexibility of legal administration. It is hard for us to recollect that at the begining of this century more than a hundred kinds of offences were punishable by death. Public sentiment seems now to have destroyed the effectual carrying out of the death penalty, and for this reason it seems desirable to follow the example of many other civilized nations by abolishing the penalty altogether. If it cannot be sternly and unflinchingly carried out in nearly all cases where it is solemnly ordered by a judge, its retention can only weaken public confidence in the certainty of punishment. There are, however, other points in connection with legal punishments of wider importance than even capital punishment. The true principles of punishment are seldom considered, and consequently seldom acted upon. Observe how prior convictions unduly augment punishments. Two opposite views on this question are held and unfortunately acted upon by judges, recorders, and magistrates. On the one hand we have what may be called the modern view, advocated by the Lord Chief Justice, that a sentence should be appropriate to the crime of which a man is convicted without much regard to prior crimes, for which he has presumably received adequate sentences. On the other hand, a kind of customary law has grown up, that if a prisoner has been previously convicted, a heavy sentence ought to be imposed, although his present offence be slight. Let me give an instance. At the Leicester Quarter Sessions for April last the recorder sentenced a prisoner convicted of stealing a set of fire irons value eleven shillings to ten years' penal servitude, with five years' police supervision. In the very next case he inflicted a sentence of seven years' penal servitude upon a labourer convicted of stealing a pair of boots. In both cases there were of course prior convictions proved, but no quantity of prior convictions, it seems to me, could possibly justify such savagely cruel sentences as these, which unfortunately are merely local samples of daily occurrences throughout the country. Mr. Justice Mathew, in his charge to the grand jury at Liverpool Assizes last March said: "I notice persons charged with small offences who have been sentenced to seven years' penal servitude for stealing a coat. Surely such sentences are barbarous and most cruel, and should be stopped." Time will not allow me to do more than make three practical suggestions upon this subject:—(1) The power of magistrates to deal summarily with cases of petty theft and other small offences should not be prohibited because prior convictions can be proved. A power to impose slightly extended periods of imprisonment in such cases might usefully be conferred. (2) The power of quarter sessions to impose sentences of penal servitude should be much restricted. (3) The minimum term of penal servitude to be imposed should be reduced from five to *three* years the

former limit, the present gap between two years' imprisonment and five years' penal servitude being unreasonably wide.

Offences against person and property.—In reference to punishments, there is an old established tendency to punish thefts too severely, and assaults too lightly. What is called "a common assault" is usually visited with a fine of five shillings, whilst "a common theft" of an article worth only a few shillings almost invariably involves imprisonment without the option of a fine. This distinction of punishment for offences to person and offences to property is unfair, and should be swept away.

Schedule of punishments.—The whole question of punishments could be dealt with most clearly by annexing to the Criminal Code a schedule or list of maximum punishments alphabetically numbered, ranging from capital punishment down to the smallest fine. In this way a vast amount of verbiage could be saved. When a section of the code, or of any future Act, created an offence or crime, the punishment need be referred to only by the required letter in the schedule,

Reforms proposed by the code.—Passing from my own suggestions for reform, let me mention a few main reforms proposed by the Criminal Code Bill. The old distinction between felonies and misdemeanours has now ceased to have any real significance, and serves only to confuse lawyers and laity. The code proposes its entire abolition, and the substitution of the two well-known terms crimes and offences, the latter being acts or omissions of a lighter nature than crimes, and punishable summarily. The present restrictions upon the rapid administration of justice by the technical laws as to venue will be removed. It is proposed to confer upon all courts otherwise competent, power to deal with offenders brought before them, wherever the offences were committed. English warrants, too, will run through all counties, without being "backed" by a magistrate of each county. A useful power is conferred upon magistrates to take evidence immediately on receiving information that a crime has been committed, and before any person is charged. The remarkable omission of any such power in English criminal law is rightly stigmatized by Mr. Justice Stephen as "one of its most irrational defects." In conclusion, let me again urge the need for a criminal code. The public naturally looks to our profession for aid in this direction. The most difficult portion of the work is actually complete. An admirable code has been drafted by one of our judges, admittedly our greatest authority on criminal law. All that remains is to pass it into law. The code is ready to hand, skilfully shaped as a masterly monument of our age. Shall we grudge the time and labour needful to raise this monument to its pedestal? Let it be the proud ambition of this influential society to lead the way in this important work.

He moved that the council be requested to consider the Criminal Code Bill, and, if they thought it desirable, to urge upon the Government the desirability of promptly passing the Bill into law.

Mr. R. Simey (Sunderland) in seconding the motion referred to the loss of time in swearing the jury as at present. The Criminal Code Bill did not make any attempt to redress this. He would suggest that at the commencement of the court the whole of the jurors should be sworn once for all. He would have the distinction between felonies and misdemeanours abolished. He hoped he should not live to see the day the grand juries were got rid of, and he would admit prisoners to give evidence if they desired to do so.

Mr. T. G. Lee (Birmingham) thought that if prisoners were to give evidence a person who elected not to do so would be considered guilty.

Mr. Simey said the great thing was to get at the truth. He did not see why a guilty man should be shielded from the consequences of his conduct.

Mr. Jackson (president of the Hull Law Society) was opposed to the grand jury system. The grand jury ought to be advised by an independent authority.

Mr. J. Binney (Sheffield) was in favour of continuing the present system so far as related to evidence.

Mr. Osborne (Shifnal) wished the grand jury system continued, and was opposed to prisoners giving evidence.

Mr. W. P. W. Phillimore (London) asked why the laws could not be codified every ten years or so—sent to a parliamentary draftsman.

Mr. H. Roscoe (London) could not see why, in one class of offences, the accused should be allowed or almost forced to give evidence, and in others not permitted. He was in favour of the accused giving evidence. Every innocent man would wish to give evidence, and he did not think the guilty should be considered to their detriment.

Mr. Walters very much agreed that it was time the grand jury should be abolished, and, if not, that its abuses should be corrected.

Mr. Milne (Manchester) said there could be no objection to a person making a statement, but he would not have him subjected to cross-examination.

Mr. Lewis (Wrexham) was in favour of a statement. He did not see why a person accused of a crime should be treated more easily than one charged only with owing a debt.

Mr. C. B. Margetts (Huntingdon) would have the absolute and unqualified abolition of grand juries. It was very desirable that prisoners should be allowed to give evidence. Prisoners should submit themselves for examination and cross-examination, but without the oath.

Sir A. K. Rollit said that it was a duty to put the law in an intelligible form. A criminal code had been promised by many Ministries, but he believed the real obstacle was one of principle—chiefly, that there was a disagreement upon the principles relating to the law of conspiracy. He thought the prisoner should be heard, and that the grand jury system had passed its day.

Mr. Seal (London) urged that the prosecuting counsel would go into every particular of the prisoner's life under the plea that he wanted to test his credibility, and the jury would say a man with such a bad history must be guilty. They should pause before taking upon themselves to alter the whole curriculum of justice.

Mr. W. J. Humphrys (Hereford) was in favour of altering the law so as to permit the wife or husband of the accused to give evidence where this was not at present allowed.

The resolution was carried.

After the adjournment of the business meeting Mrs. J. W. McCraith was "at home" at the Exchange Hall, which had been decorated and upholstered for the occasion. There was some good music and a five o'clock tea, and a large number attended.

A banquet was held in the evening at the Albert Hall, the chair being taken by Mr. Wing. Nearly two hundred guests were present. The toast of the Incorporated Law Society of the United Kingdom was submitted by the chairman and acknowledged by the president, who explained, in some detail, the system of examination for solicitors under the auspices of the society. Mr. J. W. McCraith (Nottingham) proposed "The Bench and the Bar." Mr. Dominick Daly having returned thanks, Mr. S. G. Johnson, town clerk of Nottingham, gave "The Houses of Parliament." Sir A. K. Rollit, M.P., Mr. J. E. Ellis, M.P., and Mr. H. S. Wright, M.P., acknowleged the compliment. Mr. W. Melmoth Walters proposed "The Town and Trade of Nottingham," the mayor (Mr. Alderman Goldschmidt) responding. Mr. Grinham Keen gave "The Associated Provincial Law Societies," referring to the admirable work the societies were doing, and expressing his pleasure at the news he had that day received, that Scotland was following the example set by the Provincial Associated Law Societies of England. Mr. J. F. Milne responded. The president submitted the toast "The health of the president of the Nottingham Incorporated Law Society," and Mr. Wing having returned thanks, Mr. R. E. Cunliffe gave the toast of the ladies, coupled with the names of Mrs. Goldschmidt and Mrs. McCraith, Mr. T. J. Perry responding.

WEDNESDAY'S SITTING.

On Wednesday morning the first paper read was that by Mr. A. P. Purves (Edinburgh), entitled

On the Enforcement in Scotland of Obligations undertaken by Scotchmen to Englishmen.

Mr. F. K. Munton, in the absence of Mr. Purves, who had been compelled to return to Edinburgh, read the paper, which contained a statement regarding the courts in Scotland to which English lawyers may have to apply on behalf of clients for the enforcement of obligations and the payment of debts, and the modes of operation of these courts, and pointing out some of the questions which arise in the enforcement of obligations by Scotchmen to Englishmen in consequence either of conflict of jurisdiction between the English and Scotch courts, or in consequence of differences between the laws of England and Scotland in regard to contracts. With regard to the latter subject Mr. Purves said that on the subject of conflict of jurisdiction, the case of *Orr Ewing* v. *Orr Ewing*, decided in the House of Lords on July 24, 1885, is the great emporium of authority, and Lord Selborne, with his usual clearness, has stated the whole of the leading cases which bear on the subject. I do not propose to go into these in detail, but I may point out the effects very shortly:—1. A domiciled Englishman, acting as trustee under an English will, in administering the English estate, who may go to reside in Scotland, can be obliged by the Scotch courts to implement the terms of the will. 2. A Scotch court may act *in personam* against a debtor or obligant when the plaintiff and defendant are within its jurisdiction, although the subject-matter may not be within the jurisdiction. 3. As a general rule, where there is trust estate in both countries which must be administered by a body of trustees, and proceedings have been instituted in both countries to have the administration proceeded with, the House of Lords eventually, as was done in the *Orr Ewing case*, will apply the doctrine of *forum conveniens* or *forum non conveniens* in deciding in which country the administration is to proceed, and to which country, the assets if personal, are to be removed. These are the leading doctrines so far as I have been able to see them which regulate questions of conflict of jurisdiction generally arising in reference to testate estate. But the question whether a Scotch court will entertain an action as within its jurisdiction is often complicated by considerations of whether a domicile has been lost or has not been lost. It has been decided in regard to this that an Englishwoman may sue for divorce in the Scotch courts—her husband originally an Englishman—on the ground that the adultery complained of has been committed in Scotland, and that the defendant had a lease of a house and shootings in Scotland, and that the domicile was in Scotland. As regards cases of domicile, it is a well established rule that, apart from any question of having elected to take a Scotch domicile, a foreigner cannot be sued in the Scotch courts merely by personal service, but must have been forty days resident in Scotland. Another ground of jurisdiction is the existence of real estate or heritable property, although the defendant may not be domiciled in Scotland or resident in it at the date of citation.

The President remarked that in the absence of Mr. Purves the matter could not very well be discussed. He (the President) was inclined to think that our canny neighbours in the north might teach us a lesson which we might do well to copy.

Imprisonment for Debt.

Mr. F. K. Munton (London) read the following paper:—Some twenty years ago, shortly after the coming into operation of the 1869 Act, which took away the uncontrolled power of a creditor to imprison a defaulting debtor, a controversy was carried on through the *Times* and other leading

journals as to the expediency of completely abolishing imprisonment for debt, and I must frankly admit that I joined in this public correspondence, strongly opposing abolition. A generation, however, has passed since then, and we have experience to guide us in forming a sound conclusion. We live in the freest country in the world, yet, strange to say, every other European nation (at all events every nation having the slighest influence) has entirely abolished imprisonment for non-payment of a common debt. We stand practically alone in the course we adopt. I do not mean to assert that Great Britain ought to be guided by lesser mercantile nations, but their views form an important item for consideration. I propose to examine shortly the advantages and disadvantages of the existing system, and to consider where the balance of convenience lies. If I take a different side in 1890 to that which I advocated in 1870 it will be with a good grace, for my opinion has not undergone violent change; I desire only to offer a brief review of a subject to which I have given more than usual attention. No assembly in the kingdom is better capable of forming a correct judgment on this question than a meeting of solicitors representing all parts of the country from Land's End to Berwick and having experience not only of the peculiarities of litigants and the special requirements and wants of particular districts, but of the idiosyncracies, if any, of those who have to administer a law clothed with so large an element of discretion. To thoroughly appreciate the position it is necessary to go back to 1862. Every lawyer is aware that prior to Lord Westbury's Act, which came into operation in October, 1861, traders alone could become bankrupt in the generally recognised sense. All other persons were unable to get rid of their debts except to the extent of the provisions of what was popularly known as the Gentleman's Act, under which non-traders could only get released from prison without escaping future liability to pay in case of after-acquired assets. The result of the law as it stood in 1861 was that most of the debtors' prisons in England, and especially in the Metropolis and other large centres, were full of impecunious debtors detained there at the sweet will of the creditor for weeks, months, or years, in some instances extending to nearly a lifetime. The Bankruptcy Act, 1861, not only practically abolished the difference between traders and non-traders, but enacted that all persons then in prison for debt should be declared bankrupt at the instance of the State and turned out of prison whether they liked it or not. By this process the debtors' prisons were speedily emptied. Many of the prisoners, as any history of the day will tell, had become so accustomed to their incarceration (civil prison life, as contradistinguished from criminal, being at that time a very free-and-easy affair) that they reluctantly allowed the doors of the gaol to be closed behind them, the outer world to them being like an unknown country. The 1861 Bankruptcy Act in no way curtailed the creditor's uncontrolled power to imprison his debtor, but it provided that any debtor who should remain in prison beyond a certain period (fourteen days in the case of a trader, and two months in the case of a non-trader) should be considered to have committed an act of bankruptcy. The inclination of plaintiffs to voluntarily incarcerate their debtors became lessened, and by 1869 the number of persons then in prison was so small that the Government saw that the gaols were not worth the expense of maintenance, and thereupon by a bold stroke the ground was cleared by declaring that a creditor's absolute option of shutting up his debtor should be abolished; non-payment of an ordinary debt only to be followed by imprisonment on its being established that the debtor had means and refused to pay.

So much for the history of the system as far as is requisite to consider what is now best to be done. It is hardly necessary to remark in passing that the writ of *capias ad satisfaciendum*, which at one time was issued as a matter of course, was restricted to cases over £20; and therefore the voluntary sending of a debtor to gaol was always unknown in the county court where, up to 1861 (and for many years afterwards), the normal jurisdiction was limited to that sum. The process in the inferior courts of committing a defaulting debtor to prison was all along based upon the theory that it had to be brought home to the judge's satisfaction that a debtor practically could, but would not, pay before making an order for committal. One need not now consider the details of the old practice, as, since the Debtors' Act of 1869, the principle upon which persons are sent to prison for non-payment of debt is precisely the same in the county court as in the High Court. Let us glance at the sections of the last-mentioned Act which call for present consideration. Section 4 practically conserved the old law for peremptory imprisonment (limited, however, to one year): for default in payment of a penalty other than a penalty in respect of any contract; default in payment of any sum recoverable summarily before a justice of the peace; default by a trustee or person acting in a fiduciary capacity; default by a solicitor ordered to pay money as such; and, lastly, default in payment to creditors under certain bankruptcy orders. The maintenance of this section in some form or other will always be essential to deal with non-payment of debt associated with dishonesty. Then we come to the important section 5, which runs thus: "Subject to the provisions hereinafter mentioned and to the prescribed rules, any court may commit to prison for a term not exceeding six weeks, or until payment of the sum due, any person who makes default in payment of any debt, or instalment of any debt, due from him in pursuance of any order or judgment of that or any other competent court. Provided" (sub-section 2) "that such jurisdiction shall only be exercised where it is proved to the satisfaction of the court that the person making default either has, or has had, since the date of the order or judgment, the means to pay the sum in respect of which he has made default, and has refused or neglected, or refuses or neglects, to pay the same. Proof of the means of the person making default may be given in such manner as the court thinks just; and for the purposes of such proof the debtor and any witnesses may be summoned and examined on oath, according to the prescribed rules." The discretionary power given to judges under section 5 has led to endless trouble and confusion. In the first place it is not altogether easy to say what the Legislature meant by the words "means." If Parliament intended to lay down that a debtor possessing means in hand (*i.e.*, capital) should pay his debts thereout, that is one thing; on the other hand, if it meant possessing mere "earning power," it was simply a re-enactment of the principle of the Gentleman's Act, to which I have previously adverted. Some judges, imbued with the belief that imprisonment for debt is a natural penalty for non-payment, accept very slight evidence of ability and refusal. On the other hand, many judges, opposed to the principle of imprisonment for debt, require almost impossible proof of means; nay, more, some judges openly express their disinclination to put the Act into force by ordering a debtor against whom a plaintiff has a judgment for, say, £19, to discharge the same at the rate of a shilling a month, thus extending the repayment over a generation. We are all aware that, from the outset of the 1869 Act, neither the High Court judges nor the county court judges made absolute orders in the first instance, even when they were satisfied—the practice all along being to make orders *nisi*, so to speak, and to require a second application before directing actual enforcement. A long-standing committee of our society unanimously passed a resolution that it would be desirable that the *onus* of proof of want of means should be cast upon the debtor by statutory authority; in other words, they were of opinion that, as the person primarily able (and often solely able) to give information upon the question of means was the defendant himself, it should be his business to demonstrate chapter and verse that he could not pay, and that silence or absence should be regarded as *prima facie* evidence of ability and refusal. It was suggested by some of us on the committee that all imprisonment summonses should have annexed to them a schedule with the view of securing full particulars for the judge's guidance, and that it should be the duty of the debtor, on being served with the summons, to fill up and return such schedule to (or attend and sign in the presence of) the officer of the court. The schedule in question was to be of the plainest character, within the power of every debtor, however humble, to answer, and it went to the following points:—*i.e.*, What is your present occupation and the name of your employer, if any? How long have you held the position? About how much per day, week, month, or year do you receive? Have you any and what children dependent upon you for support, giving their respective ages? How much has your household and personal expenses amounted to during the past twelve months? Have you received any assistance, and how much, during that period—from any and what friend or relative? If you have not lived on your wages or gifts from friends, what have been your means of subsistence during the year last past? What are your present resources, and have you any and what effects or property in possesson or reversion, and have you given any and what charge or encumbrance thereon? It was proposed that these answers should be imperative (with all the penalties attached to legal falsehood): no unreasonable demand, seeing that the questions are the very first that are put to the debtor when he appears, and they are better answered quietly beforehand as against taking up the time of the judge; moreover, many debtors in the box are found either unwilling or unable to give the information required, alleging unpreparedness, a device which could not be effectively attempted with the schedule and leisure to answer. The proposal, although favourably received in many official quarters, was not adopted—first, because it seemed to require legislation to decide what should be done in case of wilful default (the idea being that silence should be treated as admission of means); secondly, because without new statutory authority county court judges have no power to commit a debtor or anybody else for refusing to appear—even under a *subpœna* default is only punishable by a monetary fine—indeed, in the Supreme Court itself such power of committal, though technically existing, has practically fallen into disuse; and, lastly, because the great bulk of the plaintiffs who issue commitment summonses belong to a type entitled to little sympathy or assistance. Those who have had the misfortune to attend a county court on a judgment-summons day (we know that superior court judgments go there, as to committal, beyond the London district) must have been struck with the scene. One may remark, in passing, that as the rules imperatively provide that a commitment summons must be personally served, the artful defaulter often contrives to steer clear of the process. A county court bailiff, as a rule, is the most easily evaded official, his intervention being mere routine, calling for no enthusiasm or exceptional zeal. It is notorious that many debtors are "absent" or "ill" when the bailiff is on his rounds, and as the debtor takes care not to appear on the hearing day, numerous cases are struck out on this score, the better class of creditors frequently abandoning the chase. But, assuming this initial difficulty over, the waste of the valuable time of the judge in dealing with applications for imprisonment is undeniable. I do not suggest that in itself the tax on the judge's time is sufficient to condemn the system, but I am coming to the conclusion that, as a balance of convenience and advantage, it would be wise to recommend the authorities to reconsider the whole question. I am prepared to hear that it is useless to tell people they must give less credit, or make more inquiry before they trust, and that in certain districts absence of the pressure, which imprisonment for debt commands, will injure the poorest of the poor, to whom essential credit will be denied, but practical men must weigh all the advantages and all the drawbacks. I shall, no doubt, be asked what can be substituted for imprisonment where the debtor has no visible effects. It might, perhaps, be possible, without actual bankruptcy, to record a sort of *quasi*-insolvency, after unsuccessfully summoning a debtor to liquidate a debt, ordered to be paid so as to create some offence on the lines of the present bankruptcy law as to undischarged debtors getting credit without disclosing their failure—in other words, to bring about a well-defined proof of misconduct which could be made the subject of peremptory imprisonment without the everyday wrangle and uncertain attempts to put the present discretionary law into

force. I have long been considering this matter, and I hope that I am justified in inviting discussion to-day—in any case I should like to secure the deliberate judgment of the profession, and I venture to move: "That, in the opinion of this representative meeting of solicitors, it would, on the whole, be advantageous to abolish the existing power of imprisoning a debtor for mere non-payment of money, unassociated with circumstances of a defined fraudulent character."

Mr. W. F. McLellan (Rochester), seconded the resolution. He thought that the class of people who were brought up should be looked at. In his own district, of which he was the registrar, the debtors were principally labourers earning from 16s. to 24s. a week. How could a man with perhaps five children be expected to pay, say, three orders of 2s. each per week? He thought that to give power to the creditor to act under section 122 of the Bankruptcy Act would be a very good substitute for imprisonment, and the amount should be extended from £50 to £100.

Mr. T. Marshall (Leeds) gave his experience as registrar to the Leeds County Court. He entirely agreed with Mr. Munton as to the want of system prevailing among the judges. During last year there were 26,500 plaints in the Leeds court, 5,500 judgment summonses, 3,300 orders of committal, and of these there were only 429 in which the debtor actually went to prison, and in by far the larger proportion of cases the debt was in some way settled or paid. Of those sent to gaol, 120 paid the debt within the first two days, the remaining 309 served their sentences. Speaking from the experience of many years, he considered the men who went to prison constituted the lever by which the whole system was worked. If they did away with imprisonment for debt the motive power of the machinery would be gone. In the Manchester County Court there were 24,000 plaints during the year, and only 377 orders of committal, so that practically the judge there disapproved of the jurisdiction. He would compare Middlesborough, which had a large working class population. Although there were there only 14,000 plaints, yet there were 3,557 orders of committal. Evidently, therefore, jurisdiction was exercised upon no principle or rather upon contrary views of the policy of the Act. It must be pointed out that since the administration orders had been made for the last two years the working class population had really very little to complain of. The effect of the abolition of imprisonment for debt would be detrimental to the working classes, ninety per cent. of whom paid for necessaries by instalments. Either credit would be stopped altogether or they would have to pay much more highly for it.

Mr. W. T. Rogers (Liverpool) thought Mr. Munton had exaggerated the difficulties of procedure. The principle of imprisonment for debt appeared to be just, and ought to be retained.

Mr. T. R. Parker (London) said imprisonment was the creditor's last right, and surely ought not to be taken away because it was difficult to enforce. The great difficulty has been to satisfy the judge of means, and surely this was a subject for reducing to rules of procedure rather than that there should be one rule in one place and a different rule in another.

Mr. S. Day (London) said he was the first registrar appointed under the County Courts Act. He was altogether opposed to abolishing imprisonment for debt.

The President intimated that Mr. Munton did not intend to press his resolution, but would be satisfied with the discussion. The council had a standing committee on the subject of county courts, and they were waiting for a report on other matters, and this would be included.

Mr. J. Miller (Bristol) did not agree with Mr. Munton in recommending the abolition of imprisonment for debt. It was within his experience that some of the judges never gave less than the full forty days, and others gave seven days.

Mr. Lewis (Wrexham) was proceeding to speak, when

Mr. T. H. Devonshire (London) rose to order, observing that the resolution having been withdrawn, there was nothing before the meeting.

The President so ruled, and the discussion terminated.

Breach of Promise.

Mr. G. R. Dodd (London) read the following paper on the subject of "Action for Breach of Promise of Marriage":—A Bill having been introduced into the House of Commons by Sir Roper Lethbridge to abolish actions for breach of promise of marriage, and public attention having been called to the subject by reason of the recent trial of the action against the editor of the *Matrimonial News* (*Knowles* v. *Duncan*, *Times* Reports, August, 1890), will, I trust, be accepted as a sufficient reason for my now addressing you on this subject. A bachelor of my acquaintance possessed of good means, and above middle age, has repeatedly informed me that he was not unwilling to enter into the married state, but that he had firmly resolved not to make any advances with such object in view until the present law should be altered, fearing an action for breach of promise. He is, in fact, fully convinced that the first thought of a lady on being introduced to a man known to be possessed of property is that of bringing such an action should he fail to marry her. In truth, the gentleman alluded to, being extremely cautious, has assured me that previously to presenting a lady of his acquaintance with a watch he had engraved on the inside of the case—after stating that it was presented by a friend—the words "Without prejudice." Now if others are deterred by a similar fear, whilst many ladies appear desirous of being married (at least if we may so judge from the recent correspondence in one of the daily papers), the matter is worthy of our serious consideration. As it is not the particular object of this paper to discuss the present law, I do not propose to trouble you with the several decisions bearing on the subject, but simply to remind you that, although it was formerly suggested that promises to marry came within the 4th section of the Statute of Frauds, it is now distinctly settled that it is not necessary for such a promise to be in writing (*Cook* v. *Baker*, 1 Str. 34), nor is a stamp or written evidence of contract requisite. The promise must be reciprocal (1 Salk. 24). The rule that damages should be limited to the pecuniary loss resulting not too remotely from the breach of contract is not applicable to these actions (*Smith* v. *Woodfine*, 1 C. B. N. S. 660; *Berry* v. *Da Costa*, L. R. 1 C. P. 331), but the jury will, we are told, assume to punish the defendant as well as to compensate the plaintiff. A general promise to marry has been held to be a promise to marry within a reasonable time (*Potter* v. *De Boos*, 1 Stark. 82; *Phillips* v. *Crutchley*, 3 C. & P. 178). It is not my province in this paper to go into the question of the evidence necessary in this class of actions; but I may be permitted to mention that there is an interesting and amusing instance of a young lady standing by her parents in a room on the occasion of a gentleman applying for and obtaining their consent to the marriage, and it was held that her presence and failure of objection to the proposal (coupled with what happened afterwards as appearing in the report of the case) afforded evidence of consent (*Daniel* v. *Bowles*, 2 C. & P. 553). This hint may possibly be useful to some of our lady friends should they be placed in similar positions—as shewing to what extent they may not maintain silence under such circumstances. Since the passing of the Infants Relief Act, 1874, an infant's promise cannot be confirmed on attaining the age of twenty-one; but in order to sustain an action evidence of a renewed promise must be given; an infant can, however, bring such action. Until the passing of Lord Hardwicke's Act in the year 1753 (20 Geo. 2, c. 33, s. 17), specific performance of an agreement to marry could be enforced by the Ecclesiastical Court, and the plaintiff was at liberty to elect whether to bring the action in that court or for recovery of damages in the Common Law Courts. In passing I may observe that the six clerks in chancery, although laymen, were not permitted to marry until the 14th and 15th of Henry VIII. The first action of this nature appears to have been brought in the reign of Elizabeth, and, such actions having continued for about three hundred years, it is only reasonable, before assenting to the proposal to abolish them, that the arguments in favour of so doing should be carefully considered. The principal arguments for the abolition of actions for breach of promise of marriage appear to be that many such actions have been brought merely for the purpose of extortion and the levying of blackmail, which would, of course, be a gross abuse of the law, and actions are, it is stated, frequently brought where no promise has been made, and are often commenced to redress no real wrong or injury. It has been asserted that it is almost impossible for a man to obtain justice, as there is usually a difficulty in getting a jury to properly weigh the facts, but that, if it were possible to do so, and the case could be fairly investigated, it would be clearly shewn that the defendant had not been one whit to blame. Under such circumstances, actions of this character, it is said, are a scandalous abuse of the law; but are not, I would ask, actions of other kinds also frequently brought which might be subjected to a similar charge? The following resolution was moved in the House of Commons by Sir Farrer (now Lord) Herschell in the year 1879—viz.:—"That, in the opinion of this House, the action of breach of promise of marriage ought to be abolished, except in cases where actual pecuniary loss had been incurred by reason of the promise—the damages being limited to such pecuniary loss." To which the following amendment was moved by Sir Eardley Wilmot, and seconded by Mr. Morgan Lloyd, Q.C.—viz.:—"That the injury sustained by a breach of promise of marriage cannot be weighed by the standard of pecuniary loss alone, and that the limitation of the action in the manner proposed by the resolution would be very undesirable." After a long discussion, in which Mr. Rodwell, Q.C., Sir Henry James, Q.C., and others supported the resolution, whilst it was opposed by the present Lord Chancellor, Mr. Forsyth, Q.C., Mr. Cole, Q.C., Mr. Justice Grantham, and others, it was carried. A very extraordinary petition was about this time presented to Parliament against the proposal, in which the petitioners declared that "marriage was a profession in which women earned their livelihood by the discharge of social, conjugal, and domestic duties which appertained to matrimony; that the entrance to that profession came through an offer of marriage; and that the breach of such promise hindered a woman from obtaining her proper station in life, inasmuch as a woman who gave her affections to one man could not transfer them to another without grievous loss." I am unable to say whether this petition was prepared or signed by women or men—anyhow, I do not think we shall be disposed to take a similar view of the matter. Sir Roper Lethbridge's Bill contains one short section to the effect that after the passing of the Act no person shall be entitled to maintain an action in respect of the breach of a promise to marry, but the Act is not to apply to any action commenced previously to the passing of the Act. Although it cannot be denied that there is some truth in the allegations made by those who desire to abolish such actions, the reasons are, I think, insufficient for alteration of the law, at least to the extent proposed, for the position of women widely differs from that of men, and it would not in my view be just or reasonable that the measure of damage should be limited to the pecuniary loss but any other proved loss or damage sustained by the plaintiff as a direct consequence of the breach should be taken into account by the jury in estimating the amount of their verdict. I confess that I see no objection to the institution of such proceedings being restricted to women—we, in fact, find very few instances of the lady having been sued. There certainly was a remarkable action tried some years ago in Ireland (*Blake* v. *Wilkins*, Galway Spring Assizes, 1817), in which the plaintiff (a young naval officer under thirty years of age) sued the defendant, a lady aged sixty-five, the widow of a staff physician, possessed of considerable means, and the plaintiff claimed £5,000 damages; when her counsel, by ridiculing the plaintiff, and speaking in the most disparaging terms of the charms of his own client, succeeded in getting the plaintiff to withdraw a juror and pay his own costs. Undoubtedly to some extent the fear of such actions acts as a deterrent to men who might otherwise be disposed to trifle with the affections of women. Plaintiffs seem unwilling to leave these actions to be tried by a judge (alone), par-

suant to the Rules of the Supreme Court, 1883 (ord. 36, r. 2), and doubtless in the recent case before referred to (*Knowles* v. *Duncan*) the plaintiff would have had some difficulty in persuading a judge that she was entitled to a similar amount (£10,000). It certainly was fortunate for her that she was legally competent to give evidence (32 & 33 Vict. c. 68) in such action. It has been suggested that the trial might advantageously take place before three judges without the assistance of a jury, or by a judge and three counsel acting as assessors. It may be interesting to you to know that a man who took some trouble to collect particulars respecting actions of breach of promise of marriage was unable to discover that more than one action had been brought against any member of our branch of the profession, whilst he could find none reported against a member of the bar. I trust I may be excused for taking this opportunity, although beyond the point under consideration, of referring to the subject of "matrimonial agencies," so much recently discussed in one of the London journals. A correspondent, in fact, suggested the formation of a limited company to carry on such a business, and if there be any truth in the statement made at the trial of the action before referred to against the proprietor of the *Matrimonial News* that he had negotiated 40,000 marriages, it must be a very profitable business, for the fee usually charged by him, we are told, was £10 for negotiating such marriages in addition to a commission of five per cent. upon the value of all property thus obtained, whether in possession or reversion. But the illegality of marriage brokerage bonds must not be lost sight of, the House of Lords having held that "all such contracts concerning marriage are of dangerous consequence, and not to be allowed" (*Hale* v. *Potter*, 3 Lev. 411). I do not remember having seen the report of any action brought for recovery of commission under the agreements which are usually signed. Being possessed of a copy of one through having been professionally consulted in respect of threatened proceedings, I have at the end of this paper given a copy of it (merely omitting the names). My client, a worthy, honest, and industrious man, in a humble position of life, thought he had secured a prize through this agency, for the woman to whom he was introduced represented that she was in receipt of an annuity, and was entitled to a sum of £4,000 in reversion expectant on the decease of a person aged about eighty years; but he afterwards found to his chagrin that he had been greatly deceived, for she had no money whatever, and he had married a woman given to intemperance, who actually made away with his goods to raise money for such purpose. The laws of the Lacedemonians were remarkable for their severity towards those who deferred marriage after a limited time, as well as against those who wholly abstained from it. Amongst the Athenians it seems that all senators and persons entrusted with public affairs were compelled to be married, and even in feudal times in our own country ladies possessed of copyhold property were under a similar obligation. It has recently been suggested that clergymen and medical men should act as matrimonial agents. If and when women shall be enabled to sit and vote in Parliament they may possibly succeed in inducing our Legislature to pass an Act making marriage compulsory, and then we should no longer hear the complaints as to the inability of women to find men ready and willing to marry, or the lamentation that our "maidens were not given to marriage" (Psalm lxxviii. 63). Our profession may then look forward with hope to a large increase of business in one way and another, provided the little difficulty before referred to as to the illegality of marriage brokerage bonds could be removed. Who even can say that the negotiation of marriages may not in the future form an important part of our professional business? I trust our younger members will excuse me for here giving them a word of warning, so that they may not be deceived as one of our profession was not very long since, who received a visit from an elderly lady living near him and took instructions for her will, by which a large sum of money was bequeathed to her niece who was staying with her. As he had some idea at that time of taking a wife, he managed to get introduced to the niece and afterwards married her, but upon the decease of the aunt he discovered that she never had anything to leave, as she only enjoyed a life interest in some property, and at the time of making her will she must have been fully aware of that fact. Another brother professional man, with whom I was acquainted some years ago, formed the acquaintance, at Brighton, of a woman who represented that she was nobly connected, and was entitled to valuable property; but that he could not be introduced to her family, for her aunt, with whom she resided, would not consent to her being married. Under such circumstances it was agreed that they should elope, which they accordingly did. Soon after the wedding she coolly informed him that she was the lady's maid, and on his refusing, under such circumstances, to live with her, he had to make her a liberal allowance to induce her to agree to a separation.

Copy of Agreement referred to.

"In consideration of being introduced to or put in correspondence with a lady through the influence of the proprietor of the , and in the event of a marriage taking place between such lady and myself, I hereby agree to pay to the said proprietor, his heirs or assigns, the sum of £20 within one month after my said marriage, and also agree to pay to the said proprietor of the , his heirs or assigns, five per cent. within one month after my said marriage on the gross amount or value of all property exceeding the sum of £400 such lady may possess, or that I may obtain through such marriage, and should such property, or any part thereof, be of a reversionary character or an annuity, then in that case the said five per cent. shall be calculated at the time of marriage according to the Government reversionary or annuity tables; and I further bind myself to pay to the said proprietor of the , his heirs or assigns, the like percentage on all further property such lady may thereafter (that is, after marriage) become entitled to or receive by gift, will, reversion, annuity, or otherwise, or that I may obtain in consequence of such marriage, the said five per cent. to be paid within one month after such property has been received by or become available to the said lady or myself. And I bind myself under a penalty of £20 to give the said proprietor of the notice within one month of the fact that such marriage has taken place, and that such property has been received or become available as aforesaid, and also to pay the said five per cent. within one month after it falls due. As witness my hand this 31st day of August, 1878."

He moved "that in the opinion of this meeting it is inexpedient to abolish actions for breach of promise of marriage."

Mr. Day seconded the motion, which was agreed to without discussion.

Justices of the Peace.

Mr. J. W. Martin (Reading) read the following paper:—After describing the present system of justices of the peace, Mr. Martin proceeded to consider how it operates. Does it work satisfactorily for the benefit of the community? Here we see a certain body of county gentlemen and citizens administering the law within their own localities without ever having had any legal training for the purpose. The question arises, is it safe for men, however honourable and willing they may be, to adjudicate upon points of law and intricate cases without having a fair knowledge of the law in general, and the law of evidence in particular. True it is that they have their clerk to refer to, but in some courts the person sitting in the place of the clerk is not a solicitor at all, and in many instances is quite incapable of giving a correct opinion—and, even if he were, not having the power of decision in his own hand, he is frequently placed in a very humiliating position by the justices preferring to take their own opinion. How frequently do we see and hear of blunders occurring both in the summary convictions and in the commitments of justices, owing to their lack of legal training. A little legal knowledge is a very dangerous thing. Common sense, honourable intentions, and humane ideas may go a long way towards making a good magistrate, but standing alone without legal knowledge they are not sufficient to guarantee a carriage of justice. The justices' bench is undoubtedly a seat of honour, and many persons who aspire to power and dignity, and who have profited by trade and speculations, will at all times be forthcoming to secure the office of J.P.; but should the administration of justice be left in their hands? It can be proved by blue books, by the frequent comments of the judges of assize, and by the decisions of the High Court that their blunders are not only costly but tend to bring the administration of the law into contempt and ridicule. The present system of appointing justices is wrong in principle. Justices are selected to sit in courts in their own town, or in that part of the county in which they reside and have their property. This raises the question of an interest in the proceedings, not only by personal ties, favours, and friendships, but various other matters that too frequently influence the minds of members of the bench. However conscientious or high minded justices may be, it is impossible for those who administer justice in their own neighbourhood to avoid forming prejudices which must interfere with the impartiality of their decisions, whereas the decisions of comparative strangers to the parties interested command the greatest respect. Borough magistrates are mostly appointed from the leading merchants and tradesmen of their own towns, and it is of frequent occurrence for friends and acquaintances to meet in court, one on the bench the other in the witness box or maybe in the dock. Bad, however, as the system is in the appointment of borough justices, it is, if possible, worse as regards the county justices. The latter are selected from landowners, and they cannot be expected to hold the scales to the satisfaction of all litigants in the agricultural districts, as they are directly interested in the prosperity of the landowners, the tenant-farmers, and the preservers of game. Fancy a case connected with the Game Laws, or landlord and tenant, or master and servant, coming before a bench of five or six of these county justices? It is, of course, repugnant to all the principles of liberty and justice. Few of the poorer classes of people care to seek redress in these courts, so great is the dread they have of coming to such a tribunal. It is quite the reverse with the county courts, which are sometimes styled the poor man's court. It is undoubtedly a great misfortune when such an office as that of justice of the peace can be ensured by thrift and wealth; for in the county the purchaser or inheritor of an estate of a certain size steps almost as a matter of course on to the magisterial bench. Many instances might be given, if time permitted, of the miserable exhibitions which from time to time turn up, but I will content myself by naming three cases which have come under my personal notice. I attended before a county bench for a poor woman who was clearly a yearly tenant. Her landlord, a county magistrate, took out a summons in his own court to eject her. The case was heard before two of his colleagues, who were very undecided in their opinion, but ultimately gave the landlord the benefit of their doubt by deciding that a two weeks' notice was sufficient. Again, I appeared before a county bench in a case in which I happened to know on the very best authority that the matter had been freely discussed by two or three of the justices at a dinner party the week before, who then and there made up their minds which way their decisions should go, all the parties being known by them. Some years ago a remarkable case came before a bench of county justices, in a case of an alleged trespass on land in search of game. The justices, seven in number, arbitrarily sent two respectable young men to prison for fourteen days, on the evidence of the prosecutor only. The defendants called two witnesses (the chairman having previously remarked, "You may call them, but we do not know whether we shall believe them"), proving that they were in a town three miles away at the time of the alleged trespass, and stated that if the case was adjourned they could bring other witnesses to prove they were not on the farm. The chairman, without further comment, said the bench was satisfied they were the right men, and they had only made their case worse by trying to prove they were not. The defendants went to prison protesting their innocence, and as a parting shot the chairman remarked, "You should have found the right men." After they came out of prison

seven witnesses made affidavits completely establishing the *alibi* set up by the defendants. The question arises, is the present system of the qualification and appointment of justices a right and proper one, and suitable to the times in which we live, or does it require to be altered by the Legislature? Possibly there are no more independent men sitting on the bench than those gentlemen who fill the offices of London police magistrates. They get through a great deal of work, and in a very satisfactory manner. Why not extend this system over the whole country? It is the clear duty of a State to provide a competent and well-paid judicial bench in all the courts. Justice should not be stinted. Let there be a paid or stipendiary magistracy established throughout the country in lieu of the present unpaid borough and county magistrates. Let such magistrates be persons duly qualified by knowledge of the law of the country, and selected from the barristers or solicitors of at least ten years' standing, to be appointed by the Lord Chancellor. Then as to pay—the stipend should be at least £1,000 a year, such salary to be paid as follows: one moiety out of the local rate, and the other moiety by the Government. The Lord Chancellor should have the same control over them as he has over county court judges, and they should be called "magistrates." A clerk should be appointed by the magistrate to keep a record of the proceedings and to do the necessary writing, and he should be paid a fixed salary, the money coming from the same sources as before mentioned. The magistrate should sit at least three days a week, or oftener, as occasion may require, and if the towns and county divisions were properly divided, one magistrate could do, say, one or two small boroughs (not being county boroughs), and likewise one of the divisions of the county. The magistrate should only be located five years in one place, after which he should be removed to some other borough or district. In lieu of the present system of county quarter sessions, there should be a magistrate, or, in large counties, two magistrates, appointed after the same manner as recorders are appointed for boroughs, only that they should be selected from the other magistrates at a larger salary, and they should be called "recorders." They would be able to take nearly all the cases now tried at assizes, except capital offences and other cases of a serious nature, and thus would be the means of saving the valuable time of the High Court judges, who would then be able to get over their work in London without so much unnecessary delay. The recorders could also hear certain appeals from the ordinary magistrates, and thereby further save the time of the Queen's Bench judges, who now hear appeals from the inferior courts. It may be the opinion of some that any alteration in this branch of the law should emanate from the public, and not from lawyers. I contend, however, that reforms of the law should come from those who take part in the working out of the laws, and whose experience should be utilized in the education of the public. With a view, therefore, of eliciting the opinion of the meeting, I propose to move by way of recommendation to the council:—"That in the opinion of this meeting an alteration of the law is desirable in regard to the appointment and qualification of county and borough justices of the peace, and that, in lieu of the present system, solicitors or barristers should be appointed stipendiary magistrates throughout the country."

Mr. W. Lisle (Durham) seconded the motion, but he objected to the strong language used in the paper with regard to the partiality of justices of the peace.

Mr. R. Ellett (Cirencester) did not believe the meeting would endorse the resolution. The experience of those who had had the opportunity of observing the way justice was administered by justices of the peace in the counties led them to the conclusion that, on the whole, it was exceedingly satisfactory. It was not possible to conceive that the country would bear the enormous expense involved in the proposal except under pressure of some grave miscarriage of justice under the present system. The system acted as an admirable check upon petty litigation, and in the matter of appeals he asserted that these were infinitesimal, and almost certainly the decision was upheld.

After an adjournment for lunch,

Mr. J. A. Forster (Manchester) urged that the justices should have the assistance of a thoroughly qualified practitioner as clerk. In the provinces it was found that gentlemen from, say, the county council or the Inland Revenue, who had no qualification, conducted cases before the justices.

Mr. Bramley (Sheffield) having spoken,

Mr. Jackson (Hull) contended that with slight exceptions the administration of justice under the present system had been entirely satisfactory. A general appointment of stipendiary magistrates was undesirable.

Mr. Simey said that at present nearly the whole of the magistrates' clerks were solicitors at varying salaries up to £800 a year. If stipendiaries were appointed they would to a certainty be barristers, who would not have highly salaried solicitors for clerks, but mere scribes. He did not think the country would stand the expense of the suggested change, which moreover was not required.

Mr. Keen moved as an amendment: "That a vote of thanks to and confidence in the magistrates of this country be passed."

Mr. Lewis seconded.

Mr. H. Cribb (Reading) spoke in opposition to the amendment.

Mr. Pennington suggested that the amendment should be withdrawn, as it was not quite within the province of the meeting.

Mr. Keen withdrew the amendment.

Mr. J. T. Woodhouse (Hull) did not think the country would tolerate the proposal of Mr. Martin. Generally the county magistrates had discharged their duty very well.

Mr. Martin withdrew the resolution.

Local Records.

Mr. Phillimore read a paper on this subject, which we hope to print next week.

He moved: "That this meeting request the council to take into consideration the present method of custody of local records with a view to promoting better means for their preservation."

Mr. J. Lamb (Birkenhead) seconded the motion.

Mr. Walters thought it an excellent proposal, but that the council were already sufficiently burdened, and it was a work of archæological interest rather than of legal necessity.

Mr. McLellan, jun. (Rochester), thought it might be of service, on account of the terrible work it is at present to search registers when necessary.

The President agreed that the council was sufficiently burdened, but he thought there were many members of the society who would undertake it as a labour of love.

The motion was carried.

Private Bill Legislation.

Mr. R. J. Tahourdin (London) read a paper entitled "Private Bill Legislation and Section 57 of the Local Government Act, 1888," which we hope to print hereafter.

Mr. Walters expressed the sympathy of the council with any effort for reducing the enormous expenses. Some years ago the society had held out their hand to Parliamentary agents in the direction of inviting them to pass an examination at the Law Society. Then there might be an opportunity of devising some less expensive method of carrying on private Bill practice.

Mr. Tahourdin observed that as things were at present anyone could become a Parliamentary agent.

Votes of Thanks.

The following votes of thanks were passed:—

Moved by Mr. Roscoe, seconded by Mr. Munton, to the Nottingham Law Society for their hospitable reception, especially to Mr. Wing, the president, for his untiring efforts to make the meeting enjoyable as well as useful; also to Miss Wing, for her graceful reception on Tuesday of the ladies present at the meeting.

Moved by Mr. H. Bramley (Sheffield), seconded by Mr. Lamb, to the Reception Committee of the Nottingham Law Society, and particularly to Mr. Williams and Mr. Barlow, for the admirable arrangements made by them.

Moved by Mr. W. J. Fraser (London), seconded by Mr. Dodd, to Mrs. McCraith for the "at home" on Tuesday afternoon.

Moved by Mr. Devonshire, seconded by Mr. Milne, to the mayor and mayoress for the entertainment at The Castle on Monday, and to the mayor and corporation for the use of the university buildings.

Moved by Mr. Walters, seconded by Mr. F. P. Morrell (Oxford), to the Duke of Portland, Duke of Newcastle, and Earl Manvers for the facilities given to the members on the occasion of their intended excursion to "The Dukeries."

Moved by Mr. Keen, seconded by Mr. Waterhouse, to the manufacturers of Nottingham who had thrown open their works for inspection.

Moved by Mr. Hunter, seconded by Mr. Lewis, to the readers of papers.

Moved by Mr. C. H. Stanton (Newcastle-on-Tyne), seconded by Mr. Margetts, to the president for the able and courteous manner in which he had presided.

In the evening there was a performance of "Dorothy" at the Theatre Royal, which was reserved exclusively for the members, and on Thursday there was an excursion to Sherwood Forest and "The Dukeries." Luncheon was provided at Worksop Town Hall. Welbeck Abbey, the seat of the Duke of Portland, was open to the visitors.

The works of many firms were inspected during Wednesday and Thursday, and the members were admitted to the privileges of temporary membership of the Fifty, the Conservative, and the Liberal Clubs.

Luncheon was provided each day in the Albert Hall.

LEGAL NEWS.

OBITUARY.

Mr. Joseph James Mote, solicitor (of the firm of Messrs. E., J., & J. J. Mote), of 1 and 2, South-square, Gray's-inn, died suddenly on the 3rd inst., in the thirty-third year of his age. He was the second son of Mr. Joseph Mote, a member of the above firm, and married Mary Elizabeth, daughter of Mr. T. R. Wilson, of Sligo, in the year 1884. He was admitted a solicitor in 1879, and was appointed a commissioner to administer oaths in 1887. His remains were interred at Highgate Old Cemetery on the 8th inst.

APPOINTMENTS.

Mr. Charles William Barnswell, barrister, who has been appointed Recorder of Kingston, was called to the bar in Easter Term, 1857, and has practised at the equity bar.

Mr. Joseph Underhill, Q.C., of the Oxford Circuit, has been appointed Recorder of the newly-created borough of West Bromwich. Mr. Underhill was called to the bar at the Middle Temple in 1862, was created a Queen's Counsel in 1880, and was elected a bencher of his inn in 1882.

CHANGES IN PARTNERSHIPS.

Dissolutions.

Robert Wood Marsland, Thomas Hewitt, Charles Everitt, and John

URQUHART, solicitors, 124, Chancery-lane, London. September 29. The said Robert Wood Marsland, Thomas Hewitt, and John Urquhart will continue to carry on business in copartnership, and the said Charles Everett alone, at the above address.

WILLIAM TINDAL PERKINS and HERBERT FIRTH, solicitors, Harlesden, and 9, Gray's-inn-square, London (W. Tindal Perkins & Co., or Perkins & Firth). October 1. [*Gazette*, Oct. 3.

ALFRED BARKER and JAMES HENRY KEAN, solicitors and public notaries, Fleetwood (Barker & Kean). September 30.

MORGAN MANLEY JAMES and FRANCIS JAMES BENDALL, solicitors, Haverfordwest (Vaughan, James, & Bendall). July 14. The said Francis James Bendall will continue to practise alone at Haverfordwest, and also at Milford Haven. [*Gazette*, Oct. 7.

GENERAL.

The following are the arrangements made by the judges of the Queen's Bench Division for holding their courts during the ensuing Michaelmas Sittings, viz.:—Three courts will be formed to sit *in Banc*, the first being composed of Justices Mathew, Williams, and Grantham; the second will consist of Justices Hawkins and Stephen, and the third of Justices Day and Lawrance. Six courts will sit to try special and common jury and non-jury cases, the judges being Lord Chief Justice Coleridge, Mr. Baron Pollock, and Justices Denman, Cave, Smith, Wills, and Charles. Mr. Baron Huddleston will be the judge in attendance at Queen's Bench Judges' Chambers.

From the Blue Book relating to joint-stock companies just issued, it appears that 2,788 companies were registered in the United Kingdom in the year 1889. Of these as many as 2,578 were registered in London, as against 2,346 registered in the preceding year. Curiously enough the stamp duty of £1 per £1,000 on the nominal capital, introduced by Mr. Goschen in his budget of 1888, has in no way checked joint-stock operations either of a legitimate or of a bogus character, although such an outcome was generally anticipated. It would appear that, whilst the nominal capital of registered companies in 1887 (the year immediately preceding the imposition of this tax) was 170 millions only, it rose in the year 1889 to upwards of 241 millions, thus yielding close upon a quarter of a million for revenue purposes.

The writer of a series of interesting articles in the *St. James's Gazette* on "The Detection of Crime" says that "the ingenious tales spun by writers of fiction about the way detectives work have, for the most part, no foundation in fact. Suppose a burglary is committed and a detective officer sent from headquarters to investigate it. He does not construct a long chain of pure conjectures, suggested by the sight of a tooth-pick or a spot of ink, at the end of which he unerringly finds his burglar. Not at all. He goes to some man in the same line of business with whom he is on good terms, and says, 'Now, look here, Bill: this crib's been cracked. Who did it?' 'Swelp me, guvner, I dunno,' says Bill; 'Strike me blind if I do!' All the same, Bill probably knows all about it; certainly he can find out very likely he had a hand in it himself. By judicious handling, and for certain considerations, he will eventually reveal enough to serve the officer's purpose. Bill is an "informer," and without informers the detective police would be powerless. They are of different kinds and actuated by different motives. Sometimes it is money, sometimes (when implicated in the crime) personal immunity, sometimes revenge, sometimes jealousy; or, again, it may be an honest desire to aid justice. A neighbour, for instance, or a cabman, has noticed something wrong and volunteers information. As a rule, however, informers are criminals or the associates of criminals, and have to be paid. The familiar phrases 'from information received' and 'the police are in possession of a clue' usually imply a certain outlay; and this often has to come out of the detective's pocket."

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

COMPTON-SMITH.—Oct. 3, at 22, Sumner-place, Onslow-square, the wife of Wm. C. Compton-Smith, barrister-at-law, of a daughter.

SADLER.—Oct. 5, at 42, Harrington-gardens, S.W., the wife of Thomas Sadler, of the Inner Temple, barrister-at-law, of a daughter.

MARRIAGES.

KERSHAW—FOSTER.—Oct. 1, at St. Paul's Church, King Cross, Halifax, John Buckley Kershaw, solicitor, Halifax, to Florence May, youngest daughter of the late William Foster, solicitor, Ovenden Hall, and of Mrs. Foster, Waterloo Villa, Halifax.

MORRISON—JACKSON.—Sept 30, at St Andrew's Church, Farnham, George E. Morrison, barrister-at-law, to Rose Emilie, only daughter of Mrs. P. Nevill Jackson, Farnham, and the late Peter Nevill Jackson, 2nd Dragoons (Scots Greys).

SADLER—GRAVELY.—Sept. 9, at Cowfold, Sussex, William Henry Sadler, of Horsham, Sussex, solicitor, to Susanna, the third daughter of Thomas Gravely, of Cowfold, surgeon.

DEATHS.

DAIN.—Oct. 3, Horatio Dain, solicitor, of 19, Great George-street, Westminster, and Crouch-end, Hornsey, aged 78.

MOTE.—Oct. 3, Joseph James Mote, solicitor, of South-square, Gray's-inn, and 18, Granville-road, Stroud-green, aged 32.

WHITFIELD.—Oct. 4, at 10, Palace-road, Surbiton, William Whitfield, of 76, Finsbury-pavement, E.C., solicitor.

WINDING UP NOTICES.

London Gazette.—FRIDAY, Oct. 3.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

BOWESFIELD IRON CO, LIMITED—By an order made by Williams, J, dated Sept 24, it was ordered that the voluntary winding up of the company be continued E'dridge, Parliament st, agent for Archer, Stockton on Tees, solor for petners

GENERAL STOCK EXCHANGE AND INVESTMENT CO, LIMITED—Petn for winding up, presented Oct 3, directed to be heard before Chitty, J, on Oct 25 Belfrage & Co, John st, Bedford row, solors for petner

JOSHUA STUBBS, LIMITED—Petn for winding up, presented Sept 30, directed to be heard before Williams, J, on Oct 15 Fereday, Old Broad st, agent for Reece & Co, Birmingham, solors for petner

MANCHESTER AND SALFORD MINERAL WATER CO, LIMITED—Creditors are required, on or before Nov 15, to send their names and addresses, and the particulars of their debts or claims, to Percy E Land, 64, Cross st, Manchester

SALAMANCA TIN CO, LIMITED—Creditors are required, on or before Oct 17, to send their names and addresses, and the particulars of their debts or claims, to Edward Albert Nelson, 21, Godliman st, Doctors' commons

ZOUTPANSBERG PROSPECTING CO, LIMITED—Petn for winding up, presented Sept 4, directed to be heard before Kay, J, on Oct 25 Blunt & Lawford, Gresham st, solors for petner

COUNTY PALATINE OF LANCASTER.

LIMITED IN CHANCERY.

STANDARD BANK OF MANCHESTER, LIMITED—Creditors are required, on or before Oct 31, to send their names and addresses, and the particulars of their debts or claims, to Edwin Storer, 26, Mosley st, Manchester Friday, Nov 7, at 12, is appointed for hearing and adjudicating upon the debts and claims

FRIENDLY SOCIETIES DISSOLVED.

FEMALE UNION SOCIETY, Hartlebury, Worcester Sept 27

HERO LODGE, No 46 Branch of the Grand United Order of Odd Fellows Society, Greyhound Inn, Brierfield, Lancaster Sept 26

SAXILBY FRIENDLY UNION SOCIETY, Saxilby, Lincoln Oct 1

SUSPENDED FOR THREE MONTHS.

TENT OF JONADAB FRIENDLY SOCIETY, 85, Goswell rd, Clerkenwell Sept 30

TRADESMEN'S FRIENDLY SOCIETY, Ship Inn, Sutton, Ely, Cambridge Sept 30

London Gazette.—TUESDAY, Oct. 7.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

ATALANTA GOLD AND SILVER CONSOLIDATED MINES, LIMITED—Petn for winding up, presented Sept 6, directed to be heard before North, J, on Oct 25 Morse & Co, King st, Cheapside, solors for petner

COMPRESSED LIME CARTRIDGE CO, LIMITED—Creditors are required, on or before Nov 10, to send their names and addresses, and the particulars of their debts or claims, to Robert Henry Case, Ray st, Heanor, Derby Bompas & Co, Great Winchester st, solors for liquidator

HARDEN STAR LEWIS AND SINCLAIR CO, LIMITED—The Vacation Judge has fixed Thursday, Oct 16, at 12, at the chambers of Stirling, J, for the appointment of an official liquidator

HOP BITTERS CO, LIMITED—By an order made by the Vacation Judge, dated Oct 1, it was ordered that the company be wound up Holder & Wood, Cheapside, solors for petitioning creditors

MIDLAND COUNTIES AERATED BREAD CO, LIMITED—Creditors are required, on or before Nov 14, to send their names and addresses, and the particulars of their debts or claims, to Arthur Rupert Lancaster, 77, Colmore row, Birmingham Saxelby & Faulkner, Ironmonger lane, solors for liquidator

WANZER, LIMITED—The Vacation Judge has fixed Thursday, Oct 16, at 12, at the chambers of Stirling, J, for the appointment of an official liquidator

UNLIMITED IN CHANCERY.

CONSERVATIVE BENEFIT BUILDING SOCIETY, usually called the CONSERVATIVE LAND SOCIETY—Petn for winding up, presented Oct 6, directed to be heard before Williams, J, on Wednesday, Oct 15 Montagu, Bucklersbury, solor for petners

CREDITORS' NOTICES.
UNDER ESTATES IN CHANCERY.

LAST DAY OF CLAIM.

London Gazette.—TUESDAY, Oct. 7.

BRENAN, JOHN, Ulverston, Lancaster, Police Inspector. Nov 4. Smith v McDarby, Registrar, Preston. Park, Ulverston

UNDER 22 & 23 VICT. CAP 35.

LAST DAY OF CLAIM.

London Gazette.—FRIDAY, Oct 3.

ATTERBURY, WILLIAM, Hastings, retired Commercial Traveller. Nov 20. Jones & Glenister, Hastings

BAGNALL, MARY MARIA, Leamington. Nov 1. Meredith & Co, New sq, Lincoln's inn

BEEDEN, EMILY SARAH, Latymer rd, Notting hill, Licensed Victualler. Nov 7. Hatton Strand

BLAKE, ANN, Biddestone, Wilts. Nov 8. Keary & Stokes, Chippenham

BLAKE, JOHN KARSLAKE, Ventnor, I. W., Esq. Dec 17. Thorold, Regent st

BOURNE, CHARLES, Brenchley, Kent, Farmer. Oct 24. Buss, Tunbridge Wells

BRAITHWAITE, CHARLOTTE ROSE, Lexham grdns, Kensington. Oct 31. Fisher & Fisher, Park prospect, Westminster

CARTER, BENJAMIN JAMES, North Woolwich, Essex, Licensed Victualler. Nov 15. Lonsdale & Morley, Cheapside

COCK, EDWARD, Wardour st, Oxford st, Builder. Nov 10. Bird & Eldridge, Gt James st

CUTTLER, JOHN, Ramsgate, Esq. Oct 25. E. W. & V. Knocker, Dover

DYCHE, CHARLES, Derby, Stable Proprietor. Nov 15. Robotham & Co, Derby

FLETCHER, SARAH, Burton on Trent. Nov 15. Small, Burton on Trent

GADSBY, MARY HANNAH, Balcombe st, Dorset sq. Nov 9. Hart & Co, Dorking, Surrey

GLASKIN, SOPHIA, Amherst rd, Hackney. Nov 8. Freeman & Son, Gutter lane, Cheapside

GREAVES, EMMA, Greystock st, Sheffield. Nov 12. Smith & Sons, Sheffield

GREEN, ANN, Buntingford, Herts. Nov 8. Spence & Co, Hertford

HITCHMAN, SARAH, Fenton, Stoke on Trent. Dec 1. Coopers, Newcastle, Staffs

HARRIS, ELLEN ANN, Navarino rd, Hackney. Oct 30. Simpson & Co, Moorgate st

HINDLE, JOHN WILLIAM, Kamptee, Central India, Lieut Col Madras Army. Dec 6. Homewood, Old Jewry chmbrs

LEDGER, ANNE, West Derby, nr Liverpool. Nov 1. Ridgway & Worsley, Warrington

LEENING, WILLIAM, Liverpool, Stock Broker. Nov 4. Jones & Co, Liverpool

LITTLE, MARY CATHERINE, Biddestone, Wilts. Nov 8. Keary & Stokes, Chippenham

LOYSEL, PAUL FREETH, Hammersmith rd, Gent. Nov 1. Todd & Co, Chancery lane

MELLOR, THOMAS, Christchurch rd, Streatham. Nov 8. Langlois & Biden, Leadenhall st

Ormiston, John, Rhyl, Flint, Gent. Oct 31. Dickinson, Eastfield, Ealing Common

Procter, Charles, Leeds, Plasterer. Oct 20. Foster, Leeds

Searle, Eliza, Half Moon st, Piccaddilly, Lodging House Keeper. Oct 31. May, Golden sqr

Shearing, Phœbe, Newton St Faiths, Norfolk. Oct 18. Coaks & Co, Norwich

Smith, Charles John, Riding house st, Tailor. Oct 25. Harman, Gt Portland st

Swanwick, John, Sneinton, Nottingham, Gent. Nov 14. Thorpe & Perry, Nottingham

Sykes, James Friend, Chalbury, Dorset, Farmer. Oct 31. Tanner, Wimborne Minster

Taylor, Benjamin, Darrington, Yorks, Farmer. Nov 11. Sangster & Coleman, Pontefract

Tyler, Sir James, Pine House, Holloway, Kt., J.P., D.L. Nov 15. Gard & Co, Gresham bldgs, Basinghall st

Westall (or Westall), Emily Ann, Cheadle, Hulme, Chester. Nov 6. Ward, Dudley

Woodman, Anne Elizabeth, Little Haven, Pembs. Oct 25. Davies & Co, Haverfordwest

Wright, George, Hilldrop rd, Tufnell pk. Nov 29. Ashton, Sackville st, Piccadilly

London Gazette.—Tuesday, Oct. 7.

Binney, Eliza Lucy, Carlton rd, Putney. Nov 7. Crowdy & Tarry, Serjeant's inn, Fleet st

Booth, Ellen, Great Grimsby. Nov 7. Barker, Great Grimsby

Bower, Ellen, Chesterfield, Derby. Nov 1. Bunting & Son, Chesterfield

Brooks, Joseph Salter, Warner rd, Camberwell, Gent. Nov 29. Saxton & Son, Queen Victoria st

Church, Thomas, Reading, Glass Dealer. Oct 15. Darnell, Northampton

Clout, Jezreel, Goswell rd, Licensed Victualler. Nov 10. Young & Co, St Mildred's ct, Poultry

Cornell, Richard, Cornhill, Insurance Broker. Nov 18. Wragg, Great St Helen's

Emms, John, The Grove, Camberwell, Brushmaker. Nov 1. Dallimore, Camberwell New road

Fawcett, John, Upsall, Yorks, Farmer. Dec 1. H. W. & R. Pearson, Helmsley, Yorks

Figg, Henry, Horsham, Sussex, Gent. Oct 31. Rawlison & Butler, Horsham

Fuller, Henry, Elham, Kent, Farmer. Nov 21. Hallett & Co, Ashford

Harvey, Eliza, Grange House, Shepherd's Bush Green. Nov 16. Prior & Co, Lincoln's inn fields

Heape, William, Nooklands, Fullwood, Lancs, Veterinary Surgeon. Oct 8. Forshaw & Parker, Preston

Holmes, Rebecca Ann, Earl Soham, Suffolk. Nov 11. Cross & Bass, Halesworth

Hopkins, Emma, Bournemouth. Nov 3. Saltwell & Tryon, Stone bldngs, Lincoln's inn

Johnson, James, Ecclesfield, Yorks, Farmer. Nov 8. Smith & Co, Sheffield and Penistone

Marsden, Frederick Carleton, C.B., Earl's Colne, Essex, Lieut Col in Army. Nov 1. Brydges & Mellersh, Cheltenham

Matthews, John, Elland, Yorks, Machine Maker. Nov 5. Garsed, Halifax

Meaden, George Pitney, Clapham rd. Oct 30. Lidiard & Co, Gt James st, Bedford row

O'Connell, Elizabeth, Montpelier villas, Brighton. Nov 17. Witham & Co, Gray's inn sq

Pinn, Thomas, Burlington rd, Westbourne pk, Licensed Victualler. Nov 10. Cooper & Co, Bedford row

Radcliffe, Henry, Huddersfield, Contractor. Nov 12. Fisher, Huddersfield

Sharpe, Thomas, South Kyme, Lincs, Farmer. Oct 18. Rodgers & Jessopp, Sleaford

Swindells, John, Bradford, Manchester, India Rubber Manufacturer. Dec. 1. Chorlton, Manchester

Tew, Cyril Blackburn, Horton, Bucks, retired Lieut.-Colonel in the Army. Dec 1. Leatham & Co, Wakefield

Thorburn, Dorothy Jane, Newcastle upon Tyne, Innkeeper. Nov 1. Hodge & Co, Newcastle upon Tyne

Wade, Elizabeth Mallorie, High Ash, Pannal, Yorks. Oct 31. Hirst & Capes, Harrogate

Walden, George Philip, Vicarage terrace, Fulham, Builder. Dec 1. Blachford & Co, Abchurch lane

Wood, Edwin, Walbrook, Solicitor. Dec 1. Blachford & Co, Abchurch lane

If the house in which you live is going to be sold over your head, why not purchase it? Don't cripple your business by taking the purchase-money out of it, and certainly do not borrow the money with the chance of having it called in at an inconvenient time. Get a liberal and cheap advance from the Temperance Permanent Building Society, 4, Ludgate-hill, E.C. Full particulars free by post.—[Advt.]

Warning to intending House Purchasers & Lessees.—Before purchasing or renting a house have the Sanitary arrangements thoroughly examined by an expert from The Sanitary Engineering & Ventilation Co., 65, opposite Town Hall, Victoria-street, Westminster (Estab. 1875), who also undertake the Ventilation of Offices, &c.—[Advt.]

BANKRUPTCY NOTICES.

London Gazette.—Friday, Oct. 3.

RECEIVING ORDERS.

Ackroyd, Joseph, Leeds, Cabdriver Leeds Pet Sept 30 Ord Sept 30

Bayne, Samuel Thomas, Liverpool, Fish Merchant Liverpool Pet Sept 15 Ord Sept 29

Bennett, Samuel, Tunstall, Staffs, Drysalter Tunstall Pet Oct 1 Ord Oct 1

Carter, Richard, Ullesthorpe, Leicestershire, Innkeeper Leicester Pet Sept 29 Ord Sept 29

Clare, Abraham, Sunderland, Baker Sunderland Pet Sept 29 Ord Sept 30

Clarke, Henry, Lambeth walk, Hatter High Court Pet Sept 29 Ord Sept 29

Cook, Edward, Haywards Heath, Sussex, Lodging House Keeper Brighton Pet Sept 30 Ord Sept 30

Cutler, George, Alma rd, Ponders End, Builder Edmonton Pet Sept 30 Ord Sept 30

Davies, David, Aberavon, Glam, Bootmaker Neath Pet Sept 30 Ord Sept 30

Dodsworth, Matthew, Selby, Yorks, Fishmonger York Pet Oct 1 Ord Oct 1

Evans, Edward, Llangedwin, Denbighshire, Innkeeper Newtown Pet Sept 16 Ord Oct 1

Fitzgerald, John, Uxbridge rd, Traveller High Court Pet Oct 1 Ord Oct 1

Gardner, Francis Thomas, Arundel, Sussex, Plumber Brighton Pet Sept 30 Ord Sept 30

Hall, John, Corbridge, Northumberland, Innkeeper Newcastle on Tyne Pet Oct 1 Ord Oct 1

Hole, Joseph, Bristol, Greengrocer Bristol Pet Sept 30 Ord Sept 30

Lazarnick, Jonah, Grt Garden st, Mile End New Town, Provision Dealer High Court Pet Sept 8 Ord Oct 1

Leighton, Thomas, Eyton on the Weald Moors, Salop, Miller Madeley Pet Sept 29 Ord Sept 29

Lowe, Richard, Wolverhampton, Nurseryman Wolverhampton Pet Sept 29 Ord Sept 30

Marchant, Alfred, Maidstone, Outfitter Maidstone Pet Oct 1 Ord Oct 1

Morley, John Edwin, Blurton Green Farm, nr Longton, Staffs, Potter's Dipper Longton Pet Sept 29 Ord Sept 29

Morris, James, Pembroke Dock, Grocer Pembroke Dock Pet Sept 29 Ord Sept 29

Owen, William, Llangedwin, Denbighshire, Farm Bailiff Newtown Pet Oct 1 Ord Oct 1

Reece, William Robert, Carlton rd, Camden Town High Court Pet Aug 20 Ord Sept 24

Rogers, Charles Jones, Ayeton, Gifford, Devon, Mason East Stonehouse Pet Oct 1 Ord Oct 1

Stokes, Octavius, Forest Hill, Kent, of no occupation Greenwich Pet Aug 28 Ord Sept 19

Thompson, Henry John, Gainsborough, Grocer Lincoln Pet Oct 1 Ord Oct 1

Wakeford, Herbert Steele, and Robert Aberdeen Wakeford, Cardiff, Printers Cardiff Pet Sept 29 Ord Sept 29

Watt, Thomas, Keswick, Grocer Cockermouth and Workington Pet Sept 30 Ord Sept 30

Wood, William Ambrose, Salcombe, nr Kingsbridge, Devon, Auctioneer East Stonehouse Pet Sept 29 Ord Sept 30

Yarwood, George, Nottingham, Bicycle Agent Nottingham Pet Sept 16 Ord Sept 27

The following amended notice is substituted for that published in the London Gazette, July 11.

Taylor, William Thomas, King's Lynn, Plumber King's Lynn Pet July 7 Ord July 7

FIRST MEETINGS.

Anderson, William Warden, late 4, Clydesdale rd, Notting hill Jan 16 at 12 Bankruptcy bldgs, Lincoln's inn

Barratt, Samuel, Radcliffe on Trent, Nurseryman Oct 14 at 12 Off Rec, St Peter's Church walk, Nottingham

Bower, Peter, Broadway, Leyton, Baker Oct 14 at 11 33, Carey st, Lincoln's inn

Carter, Richard, Ullesthorpe, Leicester, Innkeeper Oct 10 at 12.30 Off Rec, 34, Friar lane, Leicester

Carter, Samuel, Wickford, Essex, Builder Oct 10 at 12.15 Shirehall, Chelmsford

Chislett, Joseph Percy, East Stonehouse, Devon, Sewing Machine Agent Oct 14 at 11 10, Athenæum terr, Plymouth

Collier, Edward Allen, Addington sq, Camberwell, Distiller's Traveller Oct 14 at 12 33, Carey st, Lincoln's inn

Dinsdale, William Henry, Middleham, Yorks, Bootmaker Oct 10 at 11 Off Rec, Middlesborough

Dodsworth, Matthew, Selby, Yorks, Fishmonger Oct 13 at 12.15 Off Rec, 28, Stonegate, Yorks

Edmundson, John, the younger, St Helens, Boot Dealer Oct 13 at 2 Off Rec, 35, Victoria st, Liverpool

Everitt, Frederick Herbert, Manningtree, Essex, Coal Merchant Oct 10 at 12 Off Rec, 36, Princes st, Ipswich

Fairpo, Thomas Robson, Darlington, Tobacconist Oct 10 at 11 Off Rec, Middlesborough

Garton, William Henry, Nottingham, Grocer Oct 14 at 11 Off Rec, St Peter's Church walk, Nottingham

Hastings, Henry Lawrence, Leeds, Boxmaker Oct 13 at 11 Off Rec, 22, Park row, Leeds

Hawgood, Henry, Richmond, Surrey, Furniture Dealer Oct 10 at 11 24, Railway app, London Bridge

Johnson, John, Manchester, Manufacturer Oct 10 at 2.30 Off Rec, Ogden's chmbrs, Bridge st, Manchester

Leighton, Thomas, Eyton on the Weald Moors, Salop, Miller Oct 15 at 2.45 County Court Office, Madeley

Lightfoot, Walter Harry, Luton, Beds, Blockmaker Oct 10 at 3 J. G. Roberts, Solicitor, Park st West, Luton

Macaulay, William, Cleator Moor, Cumbrld, Grocer Oct 13 at 2 67, Duke st, Whitehaven

Mason, Alfred, Willenhall, Staffs, Grocer Oct 14 at 12 Off Rec, Wolverhampton

Medlen, Montague, Plumstead, Kent, Jeweller Oct 14 at 11 24, Railway app, London Bridge

Moody, Charles, Romsey, Hants, Gunmaker Oct 15 at 11 Off Rec, 4, East st, Southampton

Taylor, Richard, Lower Edmonton, Timber Merchant Oct 13 at 3 95, Temple chmbrs, Temple avenue

Thomas, Hugh, Llangeinwen, Anglesey, Farmer Oct 15 at 1.30 Royal Hotel, Carnarvon

Tubman, Heslop, Whitehaven, Grocer Oct 13 at 3 67, Duke st, Whitehaven

Whitead, Thomas, Fincham, Norfolk, Butcher Oct 15 at 10.15 W. B. Whall, Market sqr, King's Lynn

Wilson, Edward, Southwark Park rd, Cooper Oct 14 at 12 Bankruptcy bldgs, Lincoln's inn fields

Withers, Frederick, Blofield, Norfolk, Wheelwright Oct 11 at 12 Off Rec, 8, King st, Norwich

Wood, Henry James, Gt Yarmouth, Grocer's Assistant Oct 11 at 12.30 Off Rec, 8, King st, Norwich

Yarwood, George, Nottingham, Cycle Agent Oct 13 at 12 Off Rec, 25, Colmore rd, Birmingham

The following amended notice is substituted for that published in the London Gazette, Sept 23.

Gibbs, William Edward, Werrington, Northamptonshire, Farmer Oct 13 at 12 Law Courts, New rd, Peterborough

ADJUDICATIONS.

Ackroyd, Joseph, Leeds, Cabdriver Leeds Pet Sept 30 Ord Sept 30

Barratt, Samuel, Radcliffe on Trent, Nurseryman Nottingham Pet Sept 20 Ord Sept 30

Bennett, Samuel, Tunstall, Staffs, Drysalter Tunstall Pet Oct 1 Ord Oct 1

Burnard, Robert Henry, and William Pugh Thomas, Curtain rd, Shoreditch, Upholsterers High Court Pet Aug 27 Ord Sept 30

Carter, Richard, Ullesthorpe, Leicester, Innkeeper Leicester Pet Sept 29 Ord Sept 30

Chamberlain, Lionel Percy, Leicester, Solicitor Leicester Pet Sept 8 Ord Sept 26

Clare, Charles James, Leytonstone, Carpenter Chelmsford Pet Sept 22 Ord Sept 30

Clare, Abraham, Sunderland, Baker Sunderland Pet Sept 29 Ord Sept 30

Clarke, Henry, Lambeth walk, Hatter High Court Pet Sept 29 Ord Sept 29

Cook, Edward, Hayward's Heath, Sussex, Lodging house keeper Brighton Pet Sept 30 Ord Sept 30

Cooper, Harry Rice, Sheffield, House Furnisher Sheffield Pet Sept 23 Ord Oct 1

Davies, David, Aberavon, Glam, Bootmaker Neath Pet Sept 30 Ord Sept 30

Dodsworth, Matthew, Selby, Yorks, Fishmonger York Pet Oct 1 Ord Oct 1

Edmundson, John, jun, St Helen's, Boot Dealer Liverpool Pet Sept 9 Ord Sept 30

Fawcett, William, Northampton, Butcher Northampton Pet Sept 5 Ord Sept 29

Fitzgerald, John, Uxbridge rd, Traveller High Court Pet Oct 1 Ord Oct 1

Gardner, Francis Thomas, Arundel, Sussex, Plumber Brighton Pet Sept 30 Ord Sept 30

Hawgood, Henry, Richmond, Surrey, Furniture Dealer Wandsworth Pet Sept 20 Ord Sept 30

Hole, Joseph, Bristol, Greengrocer Bristol Pet Sept 30 Ord Sept 30

Huntley, Robert Elliot, Wallsend, Northumberland, Surgeon Newcastle on Tyne Pet Sept 2 Ord Sept 30

Leighton, Thomas, Eyton on the Weald Moors, Salop, Miller Madeley Pet Sept 29 Ord Sept 29

Lowe, Richard, Wolverhampton, Nurseryman Wolverhampton Pet Sept 29 Ord Sept 30

Marcussen, Henry, London rd, Southwark, Stationer High Court Pet July 11 Ord Sept 29

Mitchell, John, Carlisle, no occupation Carlisle Pet Sept 16 Ord Sept 27

Morley, John Edwin, Blurton Green Farm, nr Longton, Staffs, Potter's Dipper Longton Pet Sept 29 Ord Sept 29

Morris, James, Pembroke Dock, Grocer Pembroke Dock Pet Sept 26 Ord Sept 29

Pinchen, Thomas Ward, Market Lavington, Wilts, Licensed Victualler Bath Pet Sept 22 Ord Sept 29

Pugsley, William Charley, Clifton, Bristol, Builder Bristol Pet Sept 25 Ord Sept 30

Roberts, Charles, North Evington, Leics, Carpenter Leicester Pet Sept 16 Ord Sept 29

Taylor, Richard, Lower Edmonton, Timber Merchant Edmonton Pet Aug 12 Pet Oct 1

Thompson, Henry John, Gainsborough, Grocer Lincoln Pet Oct 1 Ord Oct 1

Watt, Thomas, Keswick, Grocer Cockermouth and Workington Pet Sept 30 Ord Sept 30

Yarwood, George, Nottingham, Cycle Agent Nottingham Pet Sept 16 Ord Sept 30

The following amended notice is substituted for that published in the London Gazette, Aug 15.

MITSCHKE, HAROLD, West Hartlepool, Watchmaker Sunderland Pet July 24 Ord Aug 13

The following amended notice is substituted for that published in the London Gazette, Sept 23.

COULSON, JAMES, Monkwearmouth, Sunderland, Builder Sunderland Pet Sept 16 Ord Sept 18

BANKRUPTCY ANNULLED.

LEWIS, JOHN, Brondesbury rd, Kilburn, Lodging-house Keeper High Court Adjud March 26 Annul Sept 26

London Gazette.—TUESDAY, Oct. 7.

RECEIVING ORDERS.

ADDYMAN, ROBERT LAW, Leeds, Cloth Finisher Leeds Pet Oct 4 Ord Oct 4

ASTON, CHARLES HENRY, Smethwick, Staffs, Commission Agent Liverpool Pet Oct 3 Ord Oct 3

BENNETT, SAMUEL, Wivenhoe, Essex, Boot Manufacturer Colchester Pet Oct 4 Ord Oct 4

BERTRAM, THOMAS CHARLES, Gosport, Master Gunner, Royal Artillery (Retired) Portsmouth Pet Oct 2 Ord Oct 2

BROADBENT, THOMAS, Sheffield, Musical Instrument Dealer Sheffield Pet Oct 3 Ord Oct 3

BROOKS, JOHN, Ware, Herts, Farmer Hertford Pet Sept 11 Ord Oct 3

BROWNSON, EDWIN, Newcastle on Tyne, Wholesale Tailor Newcastle on Tyne Pet Oct 2 Ord Oct 2

BURCH, FREDERICK, Plymouth, Licensed Hawker East Stonehouse Pet Oct 2 Ord Oct 2

CLARK BROS, Meopham, Kent, Builders Rochester Pet Sept 12 Ord Oct 2

CLARKE, GEORGE JOHN, Avenue rd, Clapham, Builder Wandsworth Pet Oct 2 Ord Oct 2

COLLINS, ALFRED CHARLES, St Helens, Provision Dealer Liverpool Pet Oct 2 Ord Oct 2

CORNER, JOHN, Hyde, Cheshire, Agent Ashton under Lyne and Stalybridge Pet Sept 29 Ord Sept 29

CUBITT, THOMAS, Fakenham, Norfolk, Carpenter Norwich Pet Oct 3 Ord Oct 3

DEWAR, JOHN, Wallsend, nr Newcastle on Tyne, Draper Newcastle on Tyne Pet Sept 23 Ord Oct 2

DIGGLE, CHARLES FREDERICK, Oldham, Surgeon Oldham Pet Oct 3 Ord Oct 3

ELLIS, WILLIAM JAMES, Dartmouth, Plumber East Stonehouse Pet Oct 2 Ord Oct 2

FILDES, JOSEPH, Bilston, Staffs, Upholsterer Wolverhampton Pet Oct 4 Ord Oct 4

FLOWER, LAMOROCK FRANCIS, Bitton, Glos, late Farmer Bristol Pet Oct 3 Ord Oct 3

FORSYTH, HENRY, Esholt, nr Leeds, late Fruiterer Bradford Pet Sept 11 Ord Oct 2

HOLDSWORTH, HERBERT, Barrow in Furness, Mantle Manufacturer Barrow in Furness Pet Sept 17 Ord Oct 3

HUNTER, G. W., Hackney rd, Brewer High Court Pet Sept 4 Ord Oct 3

JAMES, TOM, Shanklin, I. W., Hackney Carriage Proprietor Newport and Ryde Pet Oct 2 Ord Oct 2

JONES, CHARLES FREDERICK, Evelyn st, Deptford, Credit Draper High Court Pet Sept 18 Ord Oct 3

JONES, JOHN MENDUS, Bangor, Printer Bangor Pet Oct 4 Ord Oct 4

KING, GEORGE, Great Chart, Kent, Farmer Canterbury Pet Oct 3 Ord Oct 3

MATTHEWS, ROBERT PHIBBS, Blackpool, Commercial Traveller Preston Pet Oct 4 Ord Oct 4

MORLEY, WILLIAM, Burslem, Staffs, Shoemaker Burslem Pet Oct 4 Ord Oct 4

MYER, SYDNEY, Hereford, Hop Merchant Hereford Pet Sept 18 Ord Oct 1

PARSONS, THOMAS, Blackpool, Lodging house Keeper Preston Pet Oct 2 Ord Oct 2

PIERS, Sir EUSTACE F., Blandford sq High Court Pet Sept 3 Ord Oct 1

PRINGLE, JAMES WILLIAM, Lincoln, General Dealer's Assistant Lincoln Pet Oct 2 Ord Oct 2

ROSTANCE, JAMES, Stafford, Dress Maker Stafford Pet Sept 22 Ord Oct 3

ROWE, ALFRED, Chiswell st, Builder High Court Pet Oct 3 Ord Oct 4

RUSSELL, ALEXANDER, Birkenhead, Carver Birkenhead Pet Sept 13 Ord Oct 4

SEARS, E. J., Superintendent's Department S E R, London Bridge High Court Pet Aug 30 Ord Oct 2

STANBURY, FRANCIS JOSEPH, late of Chelston, Torquay, late Dairyman Exeter Pet Oct 3 Ord Oct 3

STUART, JOHN MEDLEY, Lombard st High Court Pet Aug 23 Ord Oct 2

WALKER, JOHN, West Cowick, Yorks, Labourer Wakefield Pet Oct 3 Ord Oct 3

WALLEY, AMBROSE COLEY, Hanley, Staffs, Cheesefactor Hanley Pet Oct 3 Ord Oct 3

WANTY, CHARLES BATES, Leytonstone rd, Stratford, Draper High Court Pet Oct 2 Ord Oct 2

WILLIAMS, JOSEPH, Llanelidan, Denbighshire, Miller Wrexham Pet Oct 4 Ord Oct 4

WINTLE, HENRY ROBERTS, Birmingham, Joinery Manufacturer Birmingham Pet Oct 4 Ord Oct 4

WOLSTENCROFT, GEORGE HENRY, Chadderton, nr Oldham, Drysalter Oldham Pet Oct 4 Ord Oct 4

FIRST MEETINGS.

BARNETT, ARTHUR, Craven st, Strand, Manager to a Private Hotel Keeper Oct 17 at 11 33, Carey st, Lincoln's inn fields

BERTRAM, THOMAS CHARLES, Gosport, Master Gunner Royal Artillery (Retired) Oct 27 at 3 Off Rec, Cambridge Junction, Portsmouth

BROWNSON, EDWIN, Newcastle on Tyne, Wholesale Tailor Oct 16 at 3 Off Rec, Pink lane, Newcastle on Tyne

CARTER, CHARLES, Bedford, Builder Oct 17 at 10.45 Off Rec, St Paul's sq, Bedford

CHAPPLE, FREDERICK, Pall Mall, Cigar Merchant Oct 17 at 12 33, Carey st, Lincoln's inn fields

CLARK, ABRAHAM, Sunderland, Baker Oct 15 at 2.30 Off Rec, 25, John st, Sunderland

CLARKE, HENRY, Lambeth walk, Hatter Oct 16 at 12 33, Carey st, Lincoln's inn fields

COOK, EDWARD, Haywards Heath, Sussex, Lodging House Keeper Oct 15 at 12 Off Rec, 4, Pavilion bldngs, Brighton

CORNER, JOHN, Hyde, Cheshire, Agent Oct 23 at 2 Townhall, Ashton under Lyne

COULSON, JAMES, Monkwearmouth, Sunderland, Builder Oct 17 at 12.30 Off Rec, 25, John st, Sunderland

DAVIES, DAVID, Aberavon, Glam, Bootmaker Oct 16 at 12.30 Castle Hotel, Neath

DAVIES, THOMAS, Blaenau Festiniog, Merioneth, Greengrocer Oct 16 at 2 Market Hall, Blaenau Festiniog

DEWAR, JOHN, Wallsend, Northumberland, Draper Oct 16 at 2.30 Off Rec, Pink lane, Newcastle on Tyne

EVANS, EDWARD, Llangedwin, Denbighshire, Innkeeper Oct 15 at 1 Off Rec, Llanidloes

FLOWER, LAMOROCK FRANCIS, Bitton, Glos, late Farmer Oct 17 at 12.30 Off Rec, Bank chbrs, Bristol

FORSYTH, HENRY, Esholt, nr Leeds, late Fruiterer Oct 16 at 11 Off Rec, 31, Manor row, Bradford

HALL, JOHN, Corbridge, Northumberland, Innkeeper Oct 14 at 2.30 Off Rec, Pink lane, Newcastle on Tyne

HARRIES, ELIZABETH, Milford Haven, Boot Dealer Oct 16 at 3 Pier Hotel, Pembroke Dock

HILL, CHARLES, Kempston, Beds, Carter Oct 17 at 10.15 Off Rec, St Paul's sq, Bedford

HOLE, JOSEPH, Bristol, Greengrocer Oct 17 at 12 Off Rec, Bank chbrs, Bristol

HOTCHKISS, SAMUEL, Bishton's Bridge, Netherton, Worces, Public House Manager Oct 14 at 11 Off Rec, Dudley

JAMES, TOM, Shanklin, I W, Hackney Carriage Proprietor Oct 15 at 2.30 Holyrood chbrs, Newport, I W

JONES, EDWARD, Wrexham, Draper Oct 14 at 2.30 Crypt chmbrs, Chester

LAY, GEORGE HENRY, Bromley, Kent, Builder Oct 15 at 11 24, Railway approach, London Bridge

MARCHANT, ALFRED, Maidstone, Outfitter Oct 15 at 3 Off Rec, Week st, Maidstone

MATHERS, SAMUEL, Leeds, Draper Oct 14 at 12 Off Rec, 22, Park row, Leeds

MOORE, CHARLES ROBERT, formerly of Kingston upon Hull, Solicitor Oct 14 at 11 Off Rec, Trinity House lane, Hull

OWEN, WILLIAM, Llangedwin, Denbighshire, Farm Bailiff Oct 15 at 1 Off Rec, Llanidloes

ROSTANCE, JAMES, Stafford, Dressmaker Oct 21 at 11.30 Off Rec, St Martin's place, Stafford

SNEPP, JULIA ANNE, Perry Barr, Staffs, Widow Oct 17 at 11 25, Colmore row, Birmingham

STANBURY, FRANCIS JOSEPH, late of Chelston, Cockington, Torquay, late Dairyman Oct 16 at 10 Off Rec, 13, Bedford circus, Exeter

STICKINGS, J., Albany rd, Camberwell Oct 15 at 11 33, Carey st, Lincoln's inn

WATT, THOMAS, Keswick, Cumberland, Grocer Oct 20 at 2.45 Court house, Cockermouth

WILKINS, THOMAS WILLIAM, Gt Grimsby, Fisherman Oct 15 at 11 Off Rec, 3, Haven st, Gt Grimsby

WILLIAMS, DAVID LLOYD, Aberavon, Glam, Clothier Oct 16 at 11.30 Castle Hotel, Neath

WILLIAMS, THOMAS FREDERICK, Prescot, Lancs, Watch Material Dealer Oct 16 at 3 Off Rec, 35, Victoria st, Liverpool

ADJUDICATIONS.

ASTON, CHARLES HENRY, Smethwick, Staffs, Commission Agent Liverpool Pet Oct 3 Ord Oct 3

BENNETT, SAMUEL, Wivenhoe, Essex, Boot Manufacturer Colchester Pet Ord 4 Ord Oct 4

BERTRAM, THOMAS CHARLES, Gosport, Master Gunner, Royal Artillery (Retired) Portsmouth Pet Sept 30 Ord Oct 2

CLARKE, GEORGE JOHN, Avenue-road, Clapham, Builder Wandsworth Pet Oct 2 Ord Oct 2

COLLIER, EDWARD ALLEN, Addington-square, Camberwell, Distiller's Traveller High Court Pet Sept 3 Ord Oct 2

CUBITT, THOMAS, Fakenham, Norfolk, Carpenter Norwich Pet Oct 3 Ord Oct 3

EVANS, EDWARD, Llangedwin, Denbighshire, Innkeeper Newtown Pet Sept 16 Ord Oct 2

JAMES, TOM, Shanklin, I. W. Hackney Carriage Proprietor Newport and Ryde Pet Oct 1 Ord Oct 2

JONES, EDWARD, Wrexham, Draper Wrexham Pet Sept 18 Ord Oct 2

MATTHEWS, ROBERT PHIBBS, Blackpool, Commercial Traveller Preston Pet Oct 4 Ord Oct 4

MORLEY, WILLIAM, Burslem, Staffs, Shoemaker Burslem Pet Oct 4 Ord Oct 4

OWEN, WILLIAM, Llangedwin, Denbighshire, Farm Bailiff Newtown Pet Oct 1 Ord Oct 2

PARNELL, RICHARD ALFRED, Cow Cross st, Printing Ink Manufacturer High Court Pet Aug 12 Ord Oct 3

PARSONS, THOMAS, Blackpool, Lodging house keeper Preston Pet Oct 2 Ord Oct 2

PAYNE, ALEXANDER, Exeter st, Strand, Wine Merchant High Court Pet Aug 20 Ord Oct 4

PRINGLE, JAMES WILLIAM, Lincoln, General Dealer's Assistant Lincoln Pet Oct 2 Ord Oct 2

REECE, WILLIAM ROBERT, Carlton rd, Camden Town High Court Pet Aug 20 Ord Oct 4

STANBURY, FRANCIS JOSEPH, late of Chelston, Cockington, Torquay, late Dairyman Exeter Pet Oct 3 Ord Oct 3

STOKES, OCTAVIUS, Forest hill, Kent, no occupation Greenwich Pet Aug 25 Ord Oct 1

UNDERHILL, HENRY WILLIAM, Upper Thames st, Wholesale Ironmonger High Court Pet Sept 17 Oct Oct 2

WAKEFORD, HERBERT STEELE, and ROBERT ABERDEEN WAKEFORD, Cardiff, Printers Cardiff Pet Sept 29 Ord Oct 4

WALKER, JOHN, West Cowick, Yorks, Labourer Wakefield Pet Oct 3 Ord Oct 3

WALLEY, AMBROSE CALEY, Hanley, Staffs, Cheese Factor Hanley Pet Oct 3 Ord Oct 3

WILLIAMS, THOMAS FREDERICK, Prescot, Lancashire, Watch Material Dealer Liverpool Pet Sept 24 Ord Oct 2

ADJUDICATION ANNULLED.

LECHE, JAMES P, Seaforth, Lancashire, Builder Liverpool Adjud Feb 4 Annul Oct 3

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